



SCOTTSDALE PLANNING COMMISSION
STUDY SESSION AGENDA
CITY HALL KIVA
3939 N DRINKWATER BLVD
SCOTTSDALE, ARIZONA
FEBRUARY 26, 2003
3:45 PM

1. CALL TO ORDER
2. ADMINISTRATIVE REPORT – RANDY GRANT
3. PRESENTATION BY TERESA HUISH ON THE STREETS MASTER PLAN PROCESS
4. REVIEW OF FEBRUARY 26, 2003 AGENDA
5. REVIEW OF MARCH 25, 2003 TENTATIVE AGENDA
6. ADJOURNMENT



DRAFT
SUBJECT TO CHANGE
TENTATIVE AGENDA
SCOTTSDALE PLANNING COMMISSION
KIVA - CITY HALL
3939 N. DRINKWATER BOULEVARD
MARCH 25, 2003
5:00 P.M.

1-AB-2003

(110th Street Revision (110th & E Taos)) request by Zahnow Homes, applicant, Larry Clark, owner, to abandon a cul-de-sac right-of-way and replace with a new cul-de-sac right-of-way located south of Cave Creek Road and East of 110th Street. Staff contact person is Cheryl Sumners, 480-312-7834. **Applicant contact person is Les Zahnow, 480-575-8018.**

Comments: This request is to shift an existing cul-de-sac slightly to the west that was dedicated in 2000 to serve three properties as a result of a lot split.

A COPY OF A FULL AGENDA, INCLUDING ITEMS CONTINUED FROM PREVIOUS MEETINGS IS AVAILABLE AT LEAST 24 HOURS PRIOR TO THE MEETING AT THE FOLLOWING LOCATIONS:

Police Department, 9065 East Via Linda
City Hall, 3939 N. Drinkwater Boulevard
El Dorado Park & Recreation Center, 2311 N. Miller Road

ALL INTERESTED PARTIES ARE INVITED TO ATTEND.

For additional information visit our web site at www.scottsdaleaz.gov



Persons with a disability may request a reasonable accommodation such as a sign language interpreter, by contacting the City Clerk's Office at 480-312-2412. Requests should be made as early as possible to allow time to arrange accommodation.



AGENDA
SCOTTSDALE PLANNING COMMISSION
KIVA - CITY HALL
3939 N. DRINKWATER BOULEVARD
FEBRUARY 26, 2003
5:00 P.M.

ROLL CALL

MINUTES REVIEW AND APPROVAL

1. January 28, 2003

EXPEDITED AGENDA

2. 1-UP-2003 (Pure Fitness Use Permit) request by Mittlesteadt & Cooper Associates Ltd, applicant, Shea East LLC, owner for a conditional use permit for a health studio in a 25,000 +/-sq ft tenant space of a building located at 7330 E Shea Blvd, Suites 101 & 102 with Central Business District (C-2) zoning. Staff contact person is Kira Wauwie AICP, 480-312-7061. **Applicant contact person is Karen Betancourt, 602-389-4245.**

Comments: This request is for a conditional use permit to allow for a health studio.

3. 11-AB-2002 (Pueblo Poquito Abandonment) request by Earl Curley & Lagarde PC, applicant, Saddle Rock Ranch LLC, owner, to abandon a certain portion of the north 10 feet public right-of-way for Mountain View Road, a 20 feet wide section of 123rd Street public right-of-way including a 46 feet radius cul-de-sac, and a 33 feet General Land Office patent roadway easement along the 123rd Street alignment. 123rd Street will change from a public to a private street. Staff contact person is Pete Deeley, 480-312-2554. **Applicant contact person is Lynne Lagarde, 602 265-0094.**

Comments: 123rd Street will change from a public to a private street. This will be accomplished through the proposed abandonment, and a replat of the Pueblo Poquito Subdivision plat. This action facilitates an agreement of the two adjacent property owners.

REGULAR AGENDA

4. 7-ZN-2002#2 (Hotel Valley Ho) request by City of Scottsdale, applicant, MSR Properties LLC, owner, for approval of amended development standards for building height, front yard parking setback and frontage open space for the Hotel Valley Ho (8.86 +/- acre parcel) located at 6850 E Main Street with Highway Commercial, Historic Property (C-3 HP) zoning. **Staff/Applicant contacts are Kira Wauwie, 480-312-7061, and Don Meserve, 480-312-2523.**

Comments: This request is for the construction of 4 additional stories onto an existing 2-story hotel.

SCOTTSDALE PLANNING COMMISSION
FEBRUARY 26, 2003
PAGE 2

5. 11-TA-2000#2 (Text Amendment/ESLO II) request by City of Scottsdale, applicant, to amend Ordinance 455 (Zoning Ordinance) Article III. Definitions.; Section 3.100., General.; Article VI. Supplementary Districts.; Section 6.1010. Environmentally Sensitive Lands Ordinance (ESLO).; Section 6.1011. Purpose.; Section 6.1020. Applicability of Regulations.; Section 6.1021. Applicable Districts and Conditions.; Section 6.1050. Intensity of Development.; Section 6.1060. Open Space Requirements.; Section 6.1070. Design Standards.; Section 6.1071. Design Guidelines.; Section 6.1083. Amended Development Standards.; Section 6.1090. ESL Submittal Requirements.; Section 6.1091. All Applications.; Section 6.1110. Appeals. This covers approximately 134 square miles of desert and mountain areas of Scottsdale and is located north and east of the Central Arizona Project (CAP) Canal. **Staff/Applicant contacts are Jerry Stabley, 480-312-7872 and Al Ward, 480-312-7067.**

Comments: To update the City's Environmentally Sensitive Lands Ordinance (ESLO-2).

WRITTEN COMMUNICATION

ADJOURNMENT

David Gulino, Chairman
Charles Lotzar, Vice Chairman
Tony Nelssen
James Heitel

Steve Steinberg
Kevin Osterman
Kay Henry

For additional information click on the link to 'Projects in the Public Hearing Process' at:
<http://www.ScottsdaleAZ.gov/projects>.



Persons with a disability may request a reasonable accommodation such as a sign language interpreter, by contacting the City Clerk's Office at 480-312-2412. Requests should be made as early as possible to allow time to arrange accommodation.



**DRAFT MINUTES
SCOTTSDALE PLANNING COMMISSION
KIVA – CITY HALL
3939 N. DRINKWATER BOULEVARD
JANUARY 28, 2003**

PRESENT: David Gulino, Chairman
James Heitel, Commissioner
Kay Henry, Commissioner
Tony Nelssen, Commissioner
Kevin Osterman, Commissioner
Steve Steinberg, Commissioner

ABSENT: Charles Lotzar, Vice Chairman

STAFF: Pat Boomsma
Tim Curtis
Donna Bronski
Keith Niederer
Kevin Sonoda
Jerry Stabley
Bill Verschuren
Barbara Burns
Randy Grant

CALL TO ORDER

The regular meeting of the Scottsdale Planning Commission was called to order by Chairman Gulino at 5:05 p.m.

ROLL CALL

A formal roll call confirmed members present as stated above.

OPENING STATEMENT

COMMISSIONER OSTERMAN read the opening statement which describes the role of the Planning Commission and the procedures used in conducting this meeting.

CHAIRMAN GULINO stated case 3-TA-2002#2 would be moved from the expedited to regular agenda.

EXPEDITED AGENDA

1. 27-UP-2002 (Fitproz Studio) request by Cawley Architects, applicant, Kathryn K. Pew, owner, for a conditional use permit for a health studio on a 3.16 +/- acre parcel located at 9151 E Bell Road #102 with Industrial Park, Planned Community district (I-1 PCD) zoning district.

MR. NIEDERER presented this case as per the project coordination packet. Staff recommends approval of the Use Permit subject to the attached stipulations.

COMMISSIONER STEINBERG inquired if the current zoning allowed any manufacturing near this proposed facility. Mr. Jones stated the I-1 District is more of an office warehouse with some light manufacturing allowed. The heavier manufacturing is in other districts C-4 commercial districts.

COMMISSIONER OSTERMAN MOVED TO FORWARD CASE 27-UP-2002 TO THE CITY COUNCIL WITH A RECOMMENDATION FOR APPROVAL INDICATING IT DOES MEET ALL OF THE USE PERMIT CRITERIA. SECOND BY COMMISSIONER HENRY.

THE MOTION PASSED BY A VOTE OF FIVE (5) TO ONE (1) WITH COMMISSIONER NELSEN DISSENTING.

2. 30-UP-2002 (Bill Heard Chevrolet) request by Jekel & Howard, L L P, applicant, Twentieth Century Land Corporation, owner, for a conditional use permit for new and used automobile sales on a 11 +/- acre parcel located at 8705 E McDowell Road with both General Commercial (C-4) and Highway Commercial (C-3) zoning.

(COMMISSIONER HENRY DECLARED A CONFLICT AND DID NOT PARTICIPATE IN THE DISCUSSION OR THE VOTE.)

MR. CURTIS presented this case as per the project coordination packet. Staff recommends approval, subject to the attached stipulations. Mr. Curtis stated the Economic Vitality Department passed out a memo during study session.

COMMISSIONER STEINBERG inquired what kind of signage are they proposing for this facility. Mr. Curtis replied they have not worked through the sign package but they are proposing signage at two locations.

Commissioner Steinberg inquired if the applicant has submitted a lighting package. Mr. Curtis replied there is a stipulation regarding low-level lighting and low-screened lighting at the parking garage south side of the site to ensure they don't have light trespass into the neighborhood. On the north side of this site, they will be working with them through the DR Board process to determine the type of lighting.

Commissioner Steinberg inquired if they would be utilizing the existing left median break or revamping that median. Mr. Curtis reviewed the access to the site. Commissioner Steinberg inquired if there would be any conflict points with the residential neighborhood.

Mr. Curtis stated staff reviewed the traffic study many times to eliminate as many conflict points as possible. Commissioner Steinberg remarked delivery was a concern of staff. He inquired if that has been mitigated to their satisfaction. Mr. Curtis replied in the affirmative.

COMMISSIONER HEITEL stated he would like to commend the applicant on the site plan for creating the 50 foot buffer between the site and the residential area. It is a meaningful buffer and is very sensitive to the neighbors to the south.

CHAIRMAN GULINO inquired if there would be a detailing operation at this site such as prep work and washing the vehicles. Mr. Curtis stated there have been conversations regarding this issue. If the cars get dusty they will spray them down and do a little prep work on the east side of the garage.

COMMISSIONER NELSEN remarked detailing can be a broad description and could include servicing of vehicles. Mr. Curtis stated the service change orders would be done at the existing facility at Scottsdale and McDowell.

COMMISSIONER STEINBERG MOVED TO FORWARD CASE 30-UP-2002 TO THE CITY COUNCIL WITH A RECOMMENDATION FOR APPROVAL INDICATING IT DOES MEET ALL OF THE USE PERMIT CRITERIA. SECOND BY COMMISSIONER HEITEL.

THE MOTION PASSED BY A VOTE OF FIVE (5) TO ZERO (0) WITH COMMISSIONER HENRY ABSTAINING.

3. 3-TA-2000#2 (Wireless Communications Ordinance Text Amendment) request by City of Scottsdale, applicant/owner, to update Ordinance No. 455 (Zoning Ordinance) pertaining to Wireless Communications Facilities.

MR. STABLEY provided a brief review of the direction staff received from the Planning Commission at the January 22nd meeting on the five outstanding items.

Mr. Stabley discussed #1A Public Notice for New Facilities. He reviewed the proposed options.

COMMISSIONER NELSEN requested staff define residents. He stated what he is getting at if it is inhabitants of all offices and schools or is just people who live in structures that is residentially zoned. Commissioner Nelsen stated just to make this clear, if a wireless facility was going in next to a office building where people work all day long those tenants would not be notified. Mr. Stabley stated if it were a use permit case the city could still send out letters to property owners who could make their tenants aware. Commissioner Nelsen inquired if tenants would be notified under staff approvals. Mr. Stabley stated under the draft ordinance they would not be noticed. Ms. Bronski stated the notice statute for zoning cases refers to property owners and it is under their purview whether or not they pass that information along.

Mr. Stabley discussed #1B Public Notice for Existing Facilities. He reviewed the proposed options.

COMMISSIONER HENRY inquired if the map of existing facilities would be included in the ordinance. Mr. Stabley replied that would be a supplement to the ordinance and would be included in the guidelines.

COMMISSIONER NELSEN stated he has always had a big question mark when it comes to guidelines because they are not enforceable. Mr. Stabley stated it is not something that the City requires but it could be easily done.

Mr. Stabley discussed #2 Radio Frequency Electromagnetic Fields (RF). He reviewed the proposed options.

COMMISSIONER HENRY inquired if the written report would be separate from what they submit to the FCC or if it would be the same report they submit to the FCC. Mr. Stabley stated they would request a report that would be easier for the staff to understand but they have not determined exactly how it would read.

COMMISSIONER NELSEN stated he has a question regarding Option A that states: "Written Report from providers that documents RF emissions from new antennas includes all exiting antennas with 150 feet of the proposed antenna." He inquired about the combined effects of the RF emissions that are in excess of 150 feet. For example if there were a wireless facility on every ball field light some of the lights would be further than 150 lights and would not be included in the ordinance. He stated he would like to state on the record that is something that needs to be looked into as this moves forward to the City Council.

COMMISSIONER STEINBERG stated they could solve that by just banning these facilities from all schools or school play fields.

Mr. Stabley discussed #3 Continued Monitoring. He reviewed the proposed options.

COMMISSIONER NELSEN stated Option B states: "Written report from providers every 5 years that documents RF emission. He inquired if a document is different from monitoring. Mr. Stabley stated the intent is not for them to go out and physically monitor the site. The intent was to have the providers provide documentation that they are within normal operating standards.

COMMISSIONER HEITEL stated there was testimony last week that the wireless providers on a routine basis monitor those facilities internally so it was implied that the providers had knowledge of those facilities as they progressed overtime.

COMMISSIONER STEINBERG stated he was assuming that the monitoring was for health related reason and he felt it would be more satisfactory to have independent monitoring verses having the providers monitor themselves. Mr. Stabley stated the presentations that follow his would cast more light on those issues.

Mr. Stabley discussed #4 WCF in Flagpoles. He reviewed the proposed options.

CHAIRMAN GULINO stated the current ordinance states: Use Permit approval required. He inquired if it these applications are reviewed by the DR Board. Mr. Stabley stated if no DR issues exist they would not go before the DR Board.

COMMISSIONER NELSEN stated he would like to clarify that at the point where a facility goes before the Development Review Board it is already a done deal and the DR Board would only address the aesthetic issues.

Mr. Stabley discussed #5 Indemnification. He reviewed the proposed options.

COMMISSIONER STEINBERG inquired if indemnification applied to the owners of the sites or just the city. Mr. Stabley replied in this circumstance they are just talking about the city's indemnification.

MS. BRONSKI discussed the Telecommunications Act of 1996. She stated that the City may ask for some documentation of the level of RF emission but know the City cannot regulate or prevent siting of wireless facilities based of RF emissions.

MR. SONODA presented information on RF exposure. He provided a graphic of RF Exposure Comparisons as they related to FCC standards. He stated RF exposures from WCF are very small compared to the limit allowed.

COMMISSIONER NELSEN stated he has seen technicians come off of towers that worked on them when they were hot with blisters on their arms from RF emission. He further stated it is astonishing that the graphic indicates the WCF are safer than a baby monitor is. Obviously, there is a lot of middle ground.

MR. SONODA provided information on the uncontrolled environment. He reported the uncontrolled environment would be at ground level for civilians and when technicians are climbing those towers at those controlled environment it generates a lot higher output of energy.

COMMISSIONER STEINBERG inquired if they are aware of long-term effects of low level exposure. Mr. Sonoda stated long-term studies are being conducted and according to the studies and research being done by a number of organizations including the World Health Organizations and other countries and other entities within the United States they have not shown any conclusive evidence of any damage longitudinally of RF exposure at these levels.

CHAIRMAN GULINO requested an explanation between PCS and WCF. Mr. Sonoda stated it is two bands of frequency.

MR. SONODA provided additional information on MPEu, maximum permitted exposure limits. He also provided information on stacking carriers together. He reported the output levels have a very significant margin to the limit even with all of the carriers operating at the same time.

COMMISSIONER STEINBERG inquired if there are four providers on one tower and they split channels would that equate to 100 percent on that one tower. Mr. Sonoda

replied in the negative. He stated there is only so much energy output in a given site. He further stated it would only be at 4 percent so you would have to go a long way in order get to the 100 percent level.

COMMISSIONER NELSEN stated legal counsel has stated the Commission is not here to discuss the safety of RF emission but that is exactly what they are doing. The issue is how do they make sure the facilities remain in compliance. Ms. Bronski replied that is correct but this is a prevailing issue to members of the public and the Commission so they have attempted to provide some scientific facts.

MS. BRONSKI stated there might not be any legal benefit to requiring indemnification other than at a policy level. She further stated some level of indemnification is probably legal and permissible.

(CHAIRMAN GULINO OPENED PUBLIC TESTIMONY.)

JANE RAU, 8143 E. Dale Lane, stated this has been a three-year project and has been reviewed and discussed by many people. She further stated she is in favor of this being put in place for the protection of various individuals and knowledge ahead of time when something is being forced into their area, which is not how it has been done in the past. She remarked it is time to move this forward.

BOB KRATZET, 6832 E. Paradise Drive, stated this needs to be moved forward to the City Council. He further stated the five remaining issues are sticking points but they have always been sticking points. He commented the recommendations represent a very good compromise between all of the parties. He further commented he would suggest that disclosure of all wireless facilities would be part of the ordinance.

KEVIN HOWELL, 5239 N. 69th Place, representing Verizon Wireless. He stated he felt this ordinance should be moved forward to the City Council. He further stated he felt the correct balance has been struck. He noted he hopes they do not reopen the issue of indemnification this evening but if they do reopen it because they are worried about towers falling that is a building safety issue. He further noted the issue of RF is not within their purview.

MORRIS MICKELSON, 2601 W. Broadway, stated he would like to compliment Commissioner Steinberg on some of his questions because it shows that he is paying attention and trying to learn. He provided information regarding splitting channels also referred to as combiners.

Mr. Mickelson stated with regard to prohibiting wireless facilities at public schools, he felt they were ignoring the fact that those public schools already have two-way radio systems for security and a lot of schools have microwave systems in operation and more and more schools are moving to wireless Internet service for their students. He reported those systems put out more power than their systems.

Mr. Mickelson stated with regard to community notification, they cannot require the schools to provide the names of the parents of all of the students because of privacy

issues. He further stated he can find out who owns the property but he cannot find out who the renters are.

Mr. Mickelson reported if by chance something happened that shorted out their equipment they would still be well under the allowed limit.

COMMISSIONER NELSEN inquired if Mr. Mickelson could offer an opinion regarding what the resistance was to supplying documentation stating they comply with the FCC guidelines. Mr. Mickelson replied the resistance is they would have to perform tests that are not necessary and they do not have the people on staff to do that. Commissioner Nelsen stated what is being suggested is only to require documentation once every five years.

NICK WOOD, One Arizona Center, Phoenix, AZ, Snell & Wilmer, representing T-mobile and APS, stated he is especially sensitive to the question of safety. He further stated in 1993 he built a house near a church with a wireless facility and he was concerned about his family's health. He remarked he and his wife did their own research and found these facilities are safe. He further remarked people's fears about RF emissions are unfounded.

OCTAVIO LAMAS, 7145 E. 1st Street, representing Qwest Wireless, stated there are 222 sites in the City of Scottsdale and only four are flagpoles. It is not a problem. It should not be banned. It was never the intention of the Ideas Committee to ban them.

ARTHUR MONES, 15050 N. Thompson Peak Pkwy, spoke in opposition to this request. He stated he would like to thank Mr. Sonoda for giving them confidence on radiation. For using propaganda charts from Qwest and other organizations. He presented information on the National Environmental Policy Act. He read the paragraph of the Telecommunications Act regarding compliance requirements. He remarked they should ask themselves if at some point RF is no problem as was stated or suggested by the industry because they are always in compliance why is there the fanatic resistance to monitoring. Why should they if they are always in compliance. He further remarked the Federal government has no problems with Scottsdale monitoring. Scottsdale is in the position to draft a good ordinance such as the Sunnyvale ordinance.

GINNIE ANN SUMNER, 3333 E. Camelback N0. 280, stated she was a member of the Ideas Team. She further stated she does not understand the purpose of notification on a stealth application. She remarked if the goal is to have stealth she does not know why they are not allowing flagpoles.

(CHAIRMAN GULINO CLOSED PUBLIC TESTIMONY.)

COMMISSIONER OSTERMAN stated he supports this material going forward to the City Council for approval. He further stated there still needs to be a little tweaking to the ordinance. He reviewed his understanding of the 1996 Telecommunications Act. Based on the 1996 Telecommunications Act they could not deny the permit for construction of that facility based on the power output anyway. So he does not understand why they don't have the telecommunications industry when they are going to construct a wireless

communications facility certify they are in compliance with FCC as opposed to giving numbers they can't use any way unless it is in excess of the FCC requirement.

Commissioner Osterman stated he felt that banning flagpoles for wireless facilities is a bad idea. He further stated please don't think I am unpatriotic. The fact is banning the use of mono poles with flags flying on it all it really accomplishes is it takes a seldom used option out of the toolbox of wireless communication providers. He remarked he did not think monopoles in any way crassly take advantage of the American colors or desecrate the flag. He commented his personal recommendation to City Council not exclude monopoles for flag poles from the ordinance other than that it is good to go. He added he felt use permit approval should be required.

COMMISSIONER HEITEL stated he would support the draft ordinance with the outstanding issues as they discussed and had presented in front them today and discussed last week. He further stated he would like to thank all those opposed and unopposed to these passionate issues. He remarked he felt it was the job of the Commission to move something forward to the City Council and try to achieve a balance. A realistic balance that benefits the City but still provides the tremendous benefits of the wireless facilities to the City. I have no difficulty weaving our way through some of these issues

Commissioner Heitel stated he would like to see clarification to the word documents on item No. 3 that it indicates that every five years that it is documented that the wireless communication facility complies with the FCC regulations. He further stated he would also accept that same language as Commissioner Osterman just indicated on Item No. 2 so that we are not asking for technical information we are asking for indication that it is in compliance when the facility is installed. The other item in regards to the flagpoles he could continue to support the disallowance of the use of flagpoles. He noted he is sympathetic to those that may be offended by it. He further noted the ordinance provides for monopoles without a flag on them, but out of respect for those that are offended by the commercialization of that flag he will continue to support that.

COMMISSIONER STEINBERG stated he is new on the Commission and he knows they have been working diligently for three years and he apologized for not agreeing with a lot of what he has heard. He further stated he is looking at this from a health and environmental issue. He commented he felt they needed to explore a regional approach to siting these towers. He further commented wireless technology is something that is hard to get our arms around especially with all of the scientific information they have heard today. He remarked he felt the long-term low-level exposures are a medical threat. He further remarked he has read studies in the last week, which support that assertion. He discussed the information from the studies he has read regarding this issue. He commented he is comfortable in stating that the FCC standards are inadequate.

Commissioner Steinberg reiterated the fact that they need to have a regional approach in siting transmitters. He stated he felt they need to establish by right zones and keep them away from residents, establish large setbacks, keep them away from schools, and hospitals. He further stated he felt it is very important that we have independent annual monitoring and it needs to be done by independent engineering sources. He noted he is

in favor of indemnification. He reiterated he felt if everything was safe monitoring and disclosure would not be an issue. It would be something that voluntarily came from the industry.

COMMISSIONER HENRY stated the first time this was before the Commission she talked about using a cautionary approach because of the unknown and that is something the city needs to think about because there is the unknown. She further stated they are not suppose to talk about the health issues because there are standards developed by the FCC. Some people say they are okay. Some people say they are not okay. So, for protection purposes and because of the unknown a cautionary approach needs to be input. She reported she will be supporting approving the wireless ordinance to the City Council but does want to make comments on issues they are addressing tonight.

Commissioner Henry stated regarding public notice for existing facilities she believes there needs to be a statement in the ordinance that states: All existing facilities will be available to people through maps provided by the city. On the continuing monitoring, she felt five years is not enough. In the case of documentation that states they are in compliance should be done annually. She further stated based on what was said earlier when a problem in the field occurs the system shuts down and somebody corrects the problem. She remarked she felt that information should be included in the annual report. The report would indicate they comply with the FCC regulations but would list the problems that occurred that they had to fix.

Commissioner Henry stated that with regard to indemnification she felt there should be some indemnification to the city. It was stated at the last meeting everyone else has to provide some indemnification. She further stated if something were to go wrong with the site or there is an accident if there is something where the City could be liable and a lawsuit brought against she felt in the ordinance there should be some indemnification.

COMMISSIONER NELSEN stated he was the one who made the motion to approve the wireless ordinance to send to City Council but he did have the caveat and that was the five outstanding issues he felt very strong about because they are the glue that held this document together. He further stated he felt this would move forward to the City Council but he would not be supporting it. He remarked he had to cut his teeth on the City process with the wireless industry and it was not a positive experience. Whenever they could cut corners, they did. He further remarked it was unfortunate that each municipality has different rules. There needs to be a regional set of rules so that one community does not have an advantage over the other.

Commissioner Nelsen stated there is the outstanding issue of continued compliance and how do they know if every site is in compliance. He further stated it has been his experience with four providers that could not follow or respect simple DR Board stipulations. They were walked through the process made presentations made guarantees they were not committed to and not fulfilled in the field that is a problem with the process. They do not have a monitoring process and that is why some of the wireless team were very vehement about having an extra level of protection to assure compliance.

Commissioner Nelssen stated that with regard to the issue of flagpoles the only reason there are so few facilities on flagpoles is because they require a use permit process. It was stated by a number of providers that the use permit process was death to the site. Going through the process is not worth it. What the industry wants is staff approval and DR approval in environmentally sensitive land areas. He concluded he appreciates everyone's time and effort and hopes this goes forward to the City Council for further discussion.

CHAIRMAN GULINO stated he would support the ordinance as drafted here tonight with one exception. Flagpoles should be allowed through the use permit process. He further stated that with regard to the RF emission issue it is an area that will have continuing attention given to it especially given our society is going more to wireless. He further stated he felt they could develop better information that will probably come in time. He noted he would concur with what the attorney said regarding their responsibility and jurisdiction. He further remarked he would encourage people that have real concerns on this to continue but this is not the right venue. They should contact their State legislatures and congressmen and start hammering on the industry as well as the FCC that is where that fight needs to happen to effect some change and get good information.

COMMISSIONER HEITEL stated the technology is always changing and he felt the city would keep up with those changes in the industry.

COMMISSIONER HEITEL MOVED TO FORWARD CASE 3-TA-2000#2 TO THE CITY COUNCIL WITH A RECOMMENDATION FOR APPROVAL ON THE OUTSTANDING ISSUES AND FOR APPROVAL OF THE DECEMBER 18TH AND JANUARY 22ND DRAFT ORDINANCES. ALSO INCLUDE THAT WE FORWARD TO THE COUNCIL THE DETAILED MINUTES THAT WILL REFLECT THE COMMISSION'S DETAILED COMMENTS MADE IN CLOSING STATEMENTS SO THAT THE CITY COUNCIL CAN SEE THE ISSUES THEY ARE DIVIDED ON. SECOND BY COMMISSIONER HENRY.

THE MOTION PASSED BY A VOTE OF FOUR (4) TO TWO (2) WITH COMMISSIONER NELSEN AND COMMISSIONER STEINBERG DISSENTING.

CHAIRMAN GULINO stated this case would be going before the City Council on March 4, 2003.

20-ZN-1995#2 (WestWorld Development Plan Revision) request by City of Scottsdale, applicant, U S Bureau of Reclamation, owner, to amend the WestWorld Development Plan for 340 +/- acres located at 16601 N Pima Road.

MS. GUNDERMAN presented this case as per the project coordination packet. She stated at the study session she provided a handout of modification to the additional information portion of the packet that alerts the DR Board to review a noise control plan as part of the application. Staff recommends approval, subject to the attached stipulations.

BARBARA BURNS provided background information on WestWorld. She presented a historical overview on the master plan update. She discussed the City's relationship with the Bureau of Reclamation. She reported on the current activities with WestWorld. She

reviewed what the update would accomplish. She further reported there is a strong commitment from the City Council to continue to support all equestrian events including the smaller ones. She noted they realize there is some concern in the community with the updated plan that the rental cost of the facility would need to be priced higher and this would drive the smaller equestrian events away. She further noted the plan does not recommend raising the rates significantly.

DAN LARE, BRW/URS, discussed the extensive public involvement process that took place. He stated the perceived issues that needed to be taken care of in the development of the master plan include:

- Traffic
- Noise
- Light
- Dust
- Visual Quality

Mr. Lare reviewed the proposed changes and additions to the facility. He reported the intent is to make WestWorld a 12-month facility as opposed to a 6 to 8 month facility. They have attempted to take advantage of the best land use potential. He further reported they want to ensure that the character of this facility stays western. He discussed how they would re-organize the parking areas. He concluded they have attempted to re-organize the existing WestWorld to maximize a 12-month operation.

COMMISSIONER NELSEN stated in their packet under Threats it states: "Some WestWorld equestrian user groups may shift to other local/regional facilities if rates are significantly increased at WestWorld". He inquired if there were discussions regarding bringing state fairs to WestWorld. Mr. Ekblaw stated he would like to make it clear that there have not been any discussions regarding bring the state fair and there is no intention to do so.

Commissioner Nelssen stated in the report the Vision states: "WestWorld is a premier, nationally recognized, user-friendly equestrian center and special event facility serving our community and target market visitors." He inquired if there were any assurance that if he or anyone else got together with a couple of friends who wanted to use the facility that it would be user-friendly and more importantly they could afford to use the facility. Ms. Burns replied their intent is to keep the facility affordable. She stated they are building a trailhead so the facility will be accessible at all times for the drop in smaller users. Commissioner Nelssen stated as they increase the intensity of use on this facility it becomes less desirable for "drop in users" or anybody who wants to go there to ride. He further stated he hopes as they look at additional uses there is not a built in conflict. He noted having the facility available is one thing but to facilitate getting there in a reasonable time frame and not having to fight traffic with competing interests.

COMMISSIONER HEITEL stated he would applaud the desire to upgrade this to a major equestrian facility that can accommodate signature events, but at the same time serve the community. He further stated one of his fundamental concerns looking at the site plan is that he starts to get the sense that it is divided into equestrian and non-equestrian uses and he is concerned about the compatibility. He remarked he is also concerned

that this facility would be turned into a special event facility but that would drive away the world class equestrian concept. He further remarked he gets that sense from the market research study that was done. He commented he gets a little angst about the tendency to utilize a portion of WestWorld for special events and performance venues that could be problematic to be side by side with equestrian uses.

Commissioner Heitel expressed his concern regarding the smaller equestrian user groups shifting to other facilities if rates are significantly increased. He stated this is a concern that needs to be addressed.

Commissioner Heitel stated there is a disconnect between what he is hearing and what he has read. He further stated he has a difficult time getting with this plan without some definitive recommendation regarding how the smaller groups would be affected by these fees.

Mr. Lare reported that their consultants are equestrian architects. He provided additional information on the design process. He further reported proposed changes to the WestWorld facility would be flexible for all community events and would be able to co-exist with the equestrian events. He reiterated they were given the charge to maximize the benefit for our community at WestWorld and they believe they have done that. He noted this facility is too small to for large concerts. They also looked at where would be the least intrusive place to put a permanent stage to fit in with WestWorld.

Commissioner Heitel stated part of the Commission's charge is to ensure the last equestrian opportunity for Scottsdale remains. Ms. Burns stated the Department of Interior has regulations that the city is required to ensure they charge reasonable rates in terms of the market.

COMMISSIONER STEINBERG inquired if large type conventions would be held at WestWorld. Mr. Lare replied in the negative.

Commissioner Steinberg inquired if the surrounding infrastructure would support the masses of people coming to WestWorld. He commented he went to the Barrett Jackson car show and it took quite a while to get there. He inquired if this was reliant on hotel rooms to make this a successful expanded facility. Mr. Lare stated no but obviously, that would be a plus. He further stated it is hoped that the expanded facility would bring in more revenue to the City and be a showplace for Scottsdale.

Commissioner Steinberg stated his other concern with regard to the infrastructure is when the Horseman's Park project is fully built out it will generate a fair amount of traffic much more than exits right now and that will further add to the congestion. Mr. Lare stated traffic was one of the five issues and there is a plan to manage the traffic. He further stated there would be four levels of traffic control. He remarked those levels were not used this past week at the Barrett Jackson event.

COMMISSIONER HENRY stated there is a great opportunity for WestWorld to generate money if they go to a year round facility. She inquired if anyone has put a price tag on the cost to the city. Mr. Lare reported they have a very detailed cost estimate and it would probably be in the neighborhood of \$82 million as it stands.

Commissioner Henry stated the zoning is Western Theme Park WP zoning. She further stated she read in the newspaper today that they were going to build several sports fields. She noted nothing in the Commission packet refers to sports fields and the zoning does not list sports fields. She inquired if it was speculation on the sports fields or if that was true. Mr. Lare stated the sports fields are loosely defined, it would be up to the city regarding whether they do that, but they would be located on the 52 acre State Land parcel. They were looking for additional uses other than a parking lot. Mr. Ekblaw stated from the standpoint of the WP zoning they would have the ability to put in a parks municipal use on any particular site. The sports fields would be secondary and the primary purpose would be parking. This is something they could consider in the overall planning process. Commissioner Henry noted she did not believe it would be compatible with WestWorld.

COMMISSIONER OSTERMAN stated WestWorld is located within a flood plain. He inquired if any major event was flooded out. Mr. Lare replied in the negative. Commissioner Osterman inquired in the event something was to happen is there any plan to mitigate that threat. Mr. Lare reported the facility itself is part of the flood control protection in Maricopa County. It is a flood basin most of WestWorld is on a flood plain, but there are facilities that are built out of the flood plain. He discussed how the facility would be developed to address that situation.

(CHAIRMAN GULINO OPENED PUBLIC TESTIMONY.)

SUSAN WHEELER, 9616 E. Krail Drive, stated she is a member of the Arizona State Horsemen's Association and they did a study last year and horses brought in \$1.3 billion dollars into the state. She further stated WestWorld is considered a regional facility and not just a horse park for Scottsdale.

Ms. Wheeler stated she pulled up the map on the Internet and it shows that the arenas they are building for the citizens is outside the park boundary.

Ms. Wheeler commented it has been discussed that the weakness is because it is in a flood plain and because you can't have any trade shows. She further commented it is great for the horse community because it is in the flood plain.

Ms. Wheeler inquired because the coliseum is closing where will the state fair go. She stated she felt it should be written in blood that they would not raise the rates for small shows. There needs to be something written that the small equestrian shows stay at WestWorld and they are subsidized by the bigger shows.

AUTHUR MONES, 15050 N. Thompson Peak Pkwy, spoke in opposition to this request. He stated he would be contacting the BOR and he will get legal help if he needs to address the main point he wants to make. He further stated he is the Vice President of the Master Association that is across the cap from WestWorld. He reported on Saturday night there was a lot of noise in the interior of their complex from WestWorld. He further reported he called the police at 10:30 PM and the dispatcher advised him the noise was coming from the Birds Nest. He further reported he felt it should be stipulated in blood that the city will do something about noise abatement.

Mr. Mones stated they want the lights contained and the traffic mitigated. He further stated the 700 residents who live next to this facility are entitled to some protection from the city.

Mr. Mones stated the City is buying 52 acres of State Land for \$10 million. The bond vote in 2000 was turned down but with some manipulation, the city has found \$10 million to purchase that land. He further stated he felt there are better uses for that money than buying land for soccer fields. He added he felt there should be an earnest effort to determine how the \$10 million is being used.

(CHAIRMAN GULINO CLOSED PUBLIC TESTIMONY.)

MS BURNS stated they have been working with the BOR since 1999 to acquire the 52 acres north of WestWorld. She presented information on the critical need for the 52 acres for the signature events held at WestWorld. She also presented information on the revenue streams they receive from the their agreement with the golf courses. She reported those revenues are used to pay off the debt service regarding the purchase of those 52 acres.

MR. LARE stated with regard to Ms. Wheeler's question about the information on the Internet, what is on the Internet is not correct. The trailhead would be within the WestWorld boundary.

COMMISSIONER OSTERMAN stated this 10 year master plan is a good extension of the 1998 Business plan for upgrading the facility. This will significantly improve the overall level of service as well as attracting a greater segment of the available equestrian events nationwide as well as numerous other venues as well. He concluded he would strongly support this plan.

COMMISSIONER HEITEL stated he would also be supporting this plan. He further stated he applauds the desire to upgrade this facility. He commented he would suggest a couple of stipulations that he would hope his fellow commissioners would consider. One, prior of the implementation of the master plan WestWorld will contact a minimum of 10 representatives from local equestrian user groups to identify a binding business plan to ensure the accessibility to those smaller groups under 200 users at rates that are competitive with similar local facilities. Two, he would suggest they add a stipulation that the 52 acre parcel that any use other than parking has to come back before the Planning Commission and City Council.

COMMISSIONER NELSEN stated he would reluctantly support this request. It is a move in the right direction. He further stated there have been too many opportunities to preserve equestrian properties around here and the powers to be would not listen that would have helped the local use of this facility. As is it is tough to ride to and it is going to be tough to ride to as growth increases. He remarked he hopes the focus is on equestrian use particularly the small local equestrian user. With respect to the other larger venues there needs to be a good bit of effort put into timing, consideration, and appropriateness because it is real easy to let that balance of use to slide. This facility needs protection in the future and he would go along with Commissioner Heitel

regarding to ensure the accessibility to those smaller groups under 200 users at rates that are competitive with similar local facilities. He further remarked he would agree with Commissioner Heitel's last point that it is healthy if they are going to use the 52 acre parcel for anything other than a parking lot that it come back through the process but he would support the idea of looking into getting double use out of that piece of property.

COMMISSIONER HENRY stated she would support this request because it is definitely needed. She further stated the emphasis should be to the equestrian community and the small user groups. She noted she would also support Commissioner Heitel's stipulations.

COMMISSIONER STEINBERG stated he would also support this request. It is a move in the right direction. He further stated he would echo his colleagues' sentiments regarding not precluding the small user groups. He remarked he would like to see more events that would bring the public there more often. He further remarked he would love to see it similar to the Phoenix Open where it is a major stop on the circuit for major equestrian events.

Commissioner Steinberg stated he is concerned about when Horseman's Park and some of the surrounding areas are fully developed because it might become more difficult to access but he is hoping with the four levels of transportation in and out they can overcome that.

CHAIRMAN GULINO stated he felt it was a good plan and he would support it. He further stated regarding the concerns relative to lighting and noise there is a specific stipulation in their report that when those elements go to the DR Board they pay close attention to those elements and they will be addressed in more detail at that level. With regard to the trails plan he does not see it connecting to what will eventually be our aquatic center and some of the parts to the east. If that is feasible, he would recommend they look at getting connectivity across Thompson Peak Parkway. He remarked he has concerns about people getting in and out of this facility during special events as this area along Bell Road grows it will only get worse. He further remarked he can't emphasize enough the City in conjunction with ADOT and MAG pay close attention to how they are going to move all these cars and people in out of this area.

MR. EKBLAW stated the item before the Commission this evening is the development plan having to do with the physical site plan. He further stated if the Commission wants to make comments on the business plan they can forward those comments in a separate letter to City Council but it would not be in the form of a stipulation. Ms. Boomsma stated the Commission could include a comment or a recommendation to the business plan but it would not be binding.

CHAIRMAN GULINO stated they can speak to character and that is really what the issue boils down to. The concern is that the venue is going to become big time and it is going to choke out the local smaller operators. They don't want to make a recommendation that might promote that. Mr. Ekblaw stated they would ensure the intent of the comment is made to City Council.

COMMISSIONER HEITEL stated he wants to be clear that he is not against a multi-use facility but this is the last opportunity for Scottsdale to keep a great equestrian facility. He further stated he just wants to ensure that the other events are not at the expense of the equestrian community.

COMMISSIONER HEITEL MOVED TO FORWARD CASE 20-ZN-1992#2 TO THE CITY COUNCIL WITH A RECOMMENDATION FOR APPROVAL WITH THE FOLLOWING ADDITIONAL STIPULATION:

IF ANY USES ARE CONTEMPLATED IN THE 52 ACRE STATE AREA OTHER THAN PARKING OR INCIDENTAL USES ON THE PARKING FACILITY THAT THOSE ISSUES HAVE TO COME BACK BEFORE THE PLANNING COMMISSION AND CITY COUNCIL FOR APPROVAL.

COMMISSIONER HEITEL STATED HE WOULD ALSO LIKE TO ADD A STRONG RECOMMENDATION THAT ATTACHES TO THIS MASTER PLAN THAT PRIOR TO IMPLEMENTATION OF THE MASTER PLAN THAT WESTWORLD WILL CONTACT A MINIMUM OF 10 REPRESENTATIVES FROM THE LOCAL USER GROUPS TO IDENTIFY A BUSINESS PLAN THAT WILL ENSURE ACCESSIBILITY FOR GROUPS UNDER 200 AT RATES THAT ARE COMPETITIVE WITH SIMILAR LOCAL AREA FACILITIES.

SECOND BY COMMISSIONER STEINBERG.

CHAIRMAN GULINO stated he would concur with Commissioner Nelssen that whenever they can get multiple uses on an investment it is a good way to go. He further stated if he is on the Commission when the use permit comes forward he would also support that.

COMMISSIONER OSTERMAN stated that he strongly encourages the DRB to pay attention to the lighting and noise issues in deference to the comment that was made by the resident. He further stated the city also needs to pay special attention to how they are going to move such high volumes of vehicles in and out of that facility.

THE MOTION PASSED BY A VOTE OF SIX (6) TO ZERO (0).

WRITTEN COMMUNICATION

There was no written communication.

ADJOURNMENT

With no further business to discuss, the regular meeting of the Scottsdale Planning Commission was adjourned at 8:25 p.m.

Respectfully Submitted,

"For the Record " Court Reporters

SCOTTSDALE PLANNING COMMISSION REPORT



MEETING DATE: February 26, 2003

ITEM NO. _____

GOAL: Coordinate Planning to Balance Infrastructure

SUBJECT

Pure Fitness Use Permit

REQUEST

Request to approve a conditional use permit for a health studio in a 25,000 +/- sq ft tenant space of a building located at 7330 E Shea Blvd, Suites 101 & 102 with Central Business District (C-2) zoning.

1-UP-2003

Key Items for Consideration:

- Health studio proposed within an existing building
- Adequate parking provided
- Traffic impacts not adverse

OWNER

Shea East L L C
480-945-2681

APPLICANT CONTACT

Karen Betancourt
Mittlesteadt & Cooper Associates Ltd
602-389-4245

LOCATION

7330 E Shea Bl 101,102

BACKGROUND

The Central Business District (C-2) zoning was established on this site in 1992. The property is improved with a commercial strip center that is nearly built out and 2 individual pad sites are available for commercial buildings. The existing center is occupied with restaurants, a theater, furniture stores, and other retail uses.

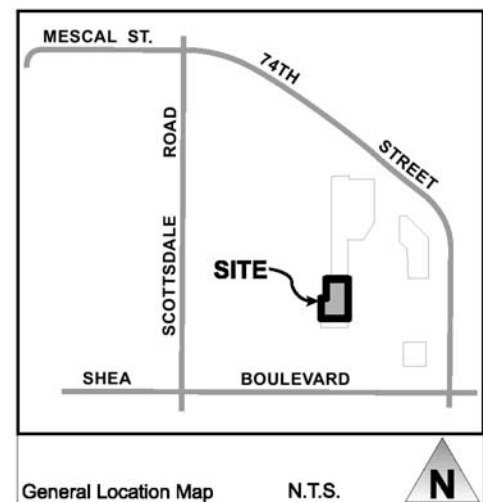
The surrounding area consists of commercial zoning and development to the west, south, and east. Single-family residential development is located northeast of the site, on the other side of this commercial center's existing buildings and across 74th Street. This tenant space, where the health studio proposes to locate, is situated within the interior of the commercial center and is not visible from the nearby residential area.

APPLICANT'S PROPOSAL

Goal/Purpose of Request.

The applicant proposes to operate a health studio in an existing 25,000-square-foot tenant space. The only improvements to the site include door, window, and sign changes to suit the needs of the health club.

The features of the health studio include aerobics, cardiovascular equipment, biking, and free weight areas, lockers/changing rooms, and restrooms.



Community Impact.

Pure Fitness is relocating from its existing business that currently operates at 10320 North Scottsdale Road (on the south side of Cochise Road, west of Scottsdale Road), just southwest of this proposed location.

Other health studios are also located in this area of the community. An existing health studio, called Edufit already provides fitness training within the commercial center in which Pure Fitness desires to locate.

IMPACT ANALYSIS

Traffic.

The applicant has provided data to the City's Transportation Department staff that prepared a traffic generation analysis. This analysis demonstrates that the proposed use will not create adverse traffic impacts on local streets. No new access drives, streets, or traffic control devices are required.

Use Permit Criteria.

Conditional use permits, which may be revocable, conditional, or valid for a specified time period, may be granted only when expressly permitted after the Planning Commission has made a recommendation and the City Council has found as follows:

- A. That the granting of such conditional use permit will not be materially detrimental to the public health, safety or welfare. In reaching this conclusion, the Planning Commission and the City Council's consideration shall include, but not be limited to, the following factors:
 1. Damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination.
 - ***This use does not generate smoke, odor, dust, vibration or illumination.***
 - ***There are no external speakers or window openings. Noise from operations will be contained within the building.***
 2. Impact on surrounding areas resulting from an unusual volume or character of traffic.
 - ***The traffic generation analysis demonstrates that the use will not generate adverse traffic impacts.***
 3. There are no other factors associated with this project that will be materially detrimental to the public.
 - ***The project narrative and file contents do not lead to any other factors that could be materially detrimental to the public.***
- B. The characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas.
 - ***The use occurs entirely within an enclosed building and the operational characteristics will be compatible with the surrounding uses.***
- C. The additional conditions specified in Section 1.403, as applicable, have been satisfied.

No additional conditions are specified in the Zoning Code.

Community involvement.

The applicant has contacted surrounding property owners and tenants to advise

of this proposal. Staff has not received any correspondence in support of or against this proposal.

STAFF

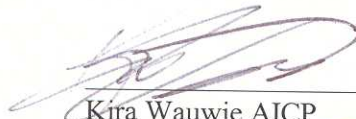
Staff recommends approval, subject to the attached stipulations.

RECOMMENDATION**RESPONSIBLE****DEPT(S)**

Planning and Development Services Department
Current Planning Services

STAFF CONTACT(S)

Kira Wauwie AICP
Project Coordination Manager
480-312-7061
E-mail: kwauwie@ScottsdaleAZ.gov

APPROVED BY
Kira Wauwie AICP
Project Coordination Manager
Report Author
Randy Grant
Chief Planning Officer

4/17/03
Date

ATTACHMENTS

1. Applicant's Narrative
2. Context Aerial
- 2A. Aerial Close-Up
3. Land Use Map
4. Zoning Map
5. Stipulations
6. Traffic Impact Summary
7. Citizen Involvement
8. Site Plan



City of Scottsdale PROJECT NARRATIVE



☐ Rezoning ☐ Other
☒ Use Permit FOR TENANT IMP.
☐ Development Review
☐ Master Sign Programs
☐ Variance

Case # _____ / 538 -PA- 02
 Project Name PURE FITNESS
 Location 7330 E SHEA BOULEVARD
 Applicant KAREN BETANCOURT

SITE DETAILS

Proposed/Existing Zoning: C-2
 Use: COMERCIAL

Parking Required: 810 (TOTAL)
 Parking Provided: 875 (TOTAL)

Parcel Size: N/A

Of Buildings: N/A

☐ Gross Floor Area ☐ Total Units: N/A

Height: N/A

☐ Floor Area Ratio ☐ Density: N/A

Setbacks: N- N/A S- N/A

E- N/A W- N/A

In the following space, please describe the project or the request

PLEASE CONSIDER THIS AS A REQUEST FOR A USE PERMIT
 TO ALLOW THE CONSTRUCTION OF A 25,000 SF PURE
 FITNESS HEALTH CLUB AT THE SHEA/SCOTTSDALE EAST
 SHOPPING AT 7330 EAST SHEA BOULEVARD.

FOLLOWING THE APPROVAL OF THE USE PERMIT, MITTERSTADT
 COOPER & ASSOCIATES, LTD WILL SUBMIT CONST. DOC
 FOR THE IMPROVEMENTS

THE CLUB WILL FEATURE COMPLETE EXERCISE FACILITIES
 INCLUDING AEROBICS, CARDIOVASCULAR EQUIP. BIKING
 AND FREE WEIGHT AREAS, AS WELL AS THE NECESSARY
 LOCKERS & RESTROOM FACILITIES.

VERY MINOR MODIFICATIONS CONSISTING OF NEW ENTRANCE
 DOORS AND THE INFILL OF TWO EXISTING ROLLUP DOORS
 WILL BE REQUIRED.

THIS WILL BE THE SIXTH PURE FITNESS FACILITY IN
 THE PHX METROPOLITAN AREA AND WILL BE A STATE

OF THE ART CLUB AND A MAJOR ASSET FOR THE CENTER

538-PA-2002

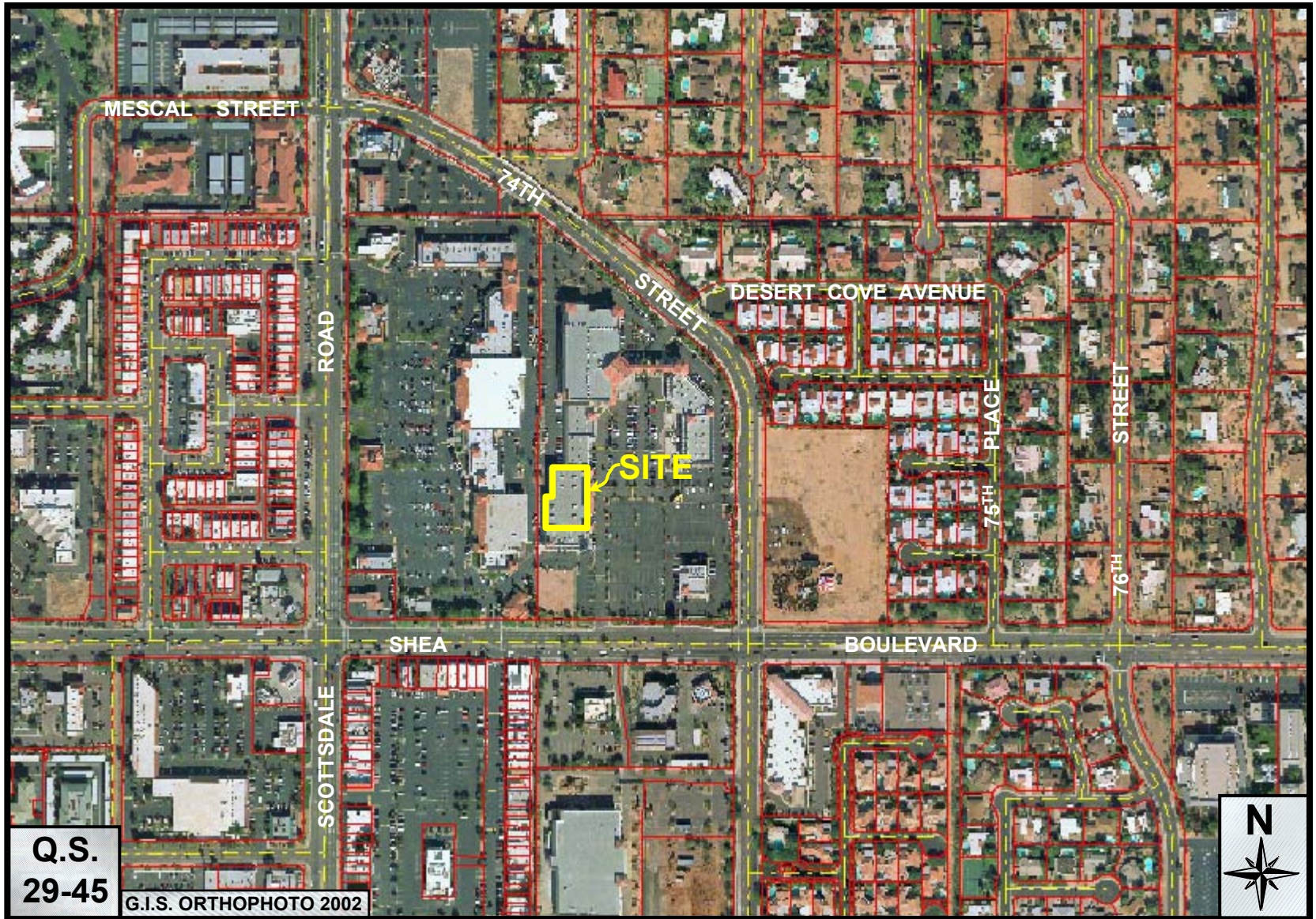
11/7/2002

(If an additional page(s) is necessary, please attach)

ATTACHMENT #1

1-UP-2003

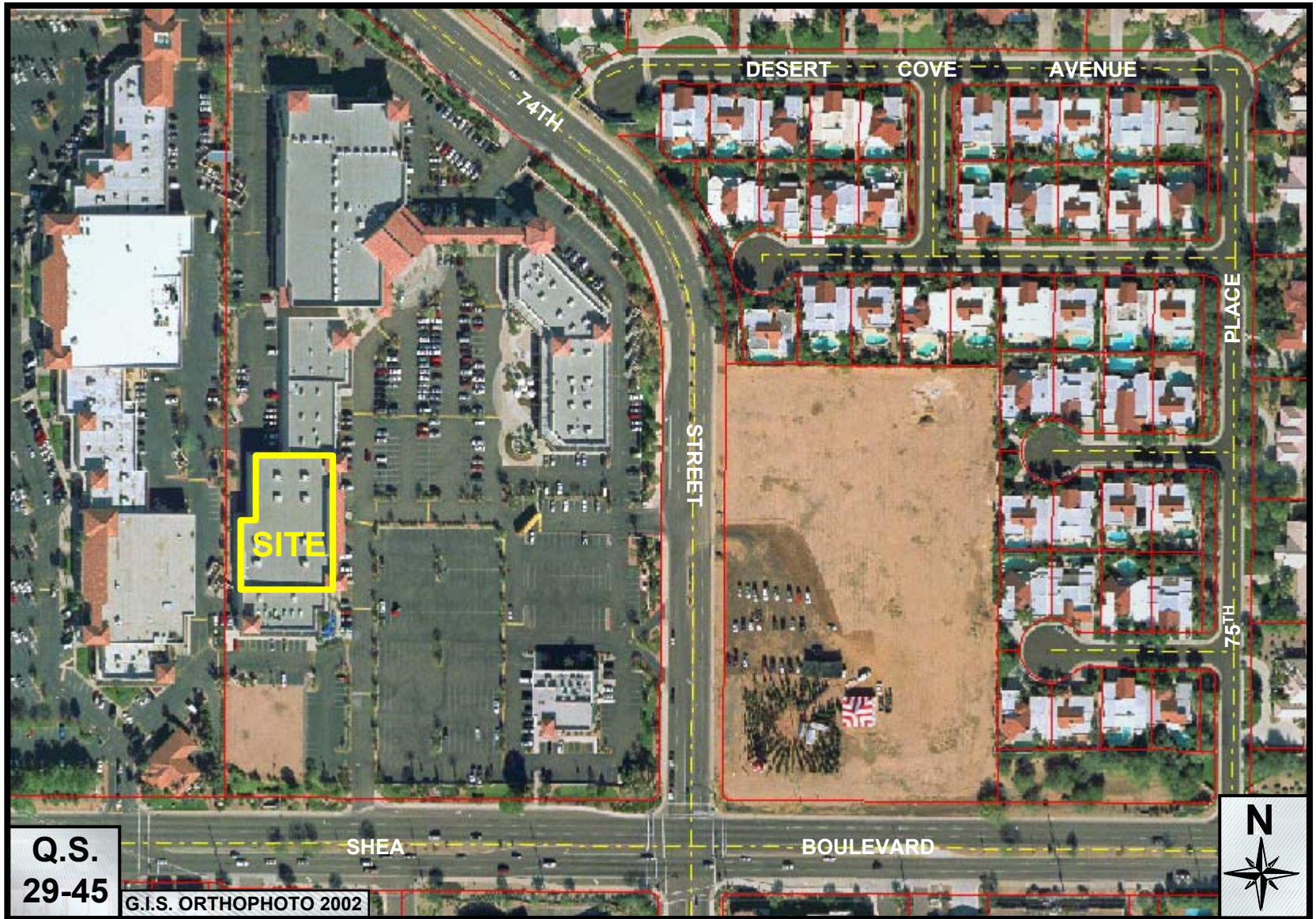
1/8/2003



Pure Fitness

1-UP-2003

ATTACHMENT #2

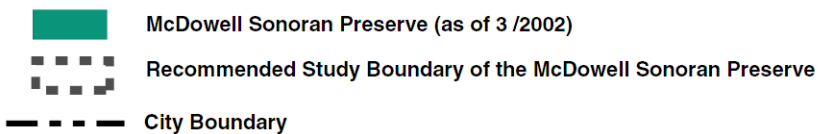
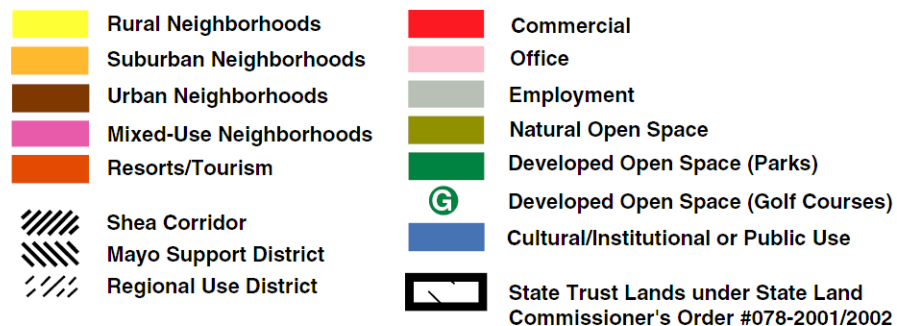
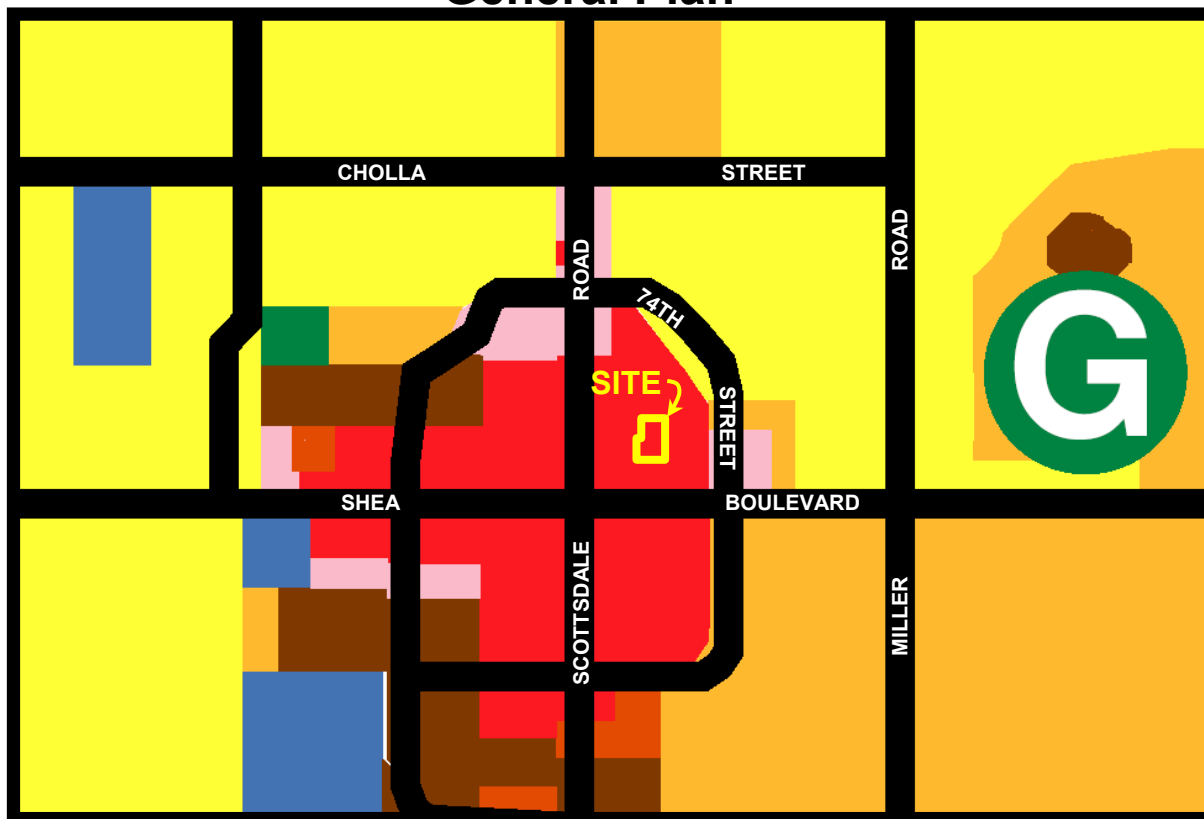


Pure Fitness

1-UP-2003

ATTACHMENT #2A

General Plan



1-UP-2003

ATTACHMENT #4



STIPULATIONS FOR CASE 1-UP-2003

PLANNING/ DEVELOPMENT

1. **CONFORMANCE TO DEVELOPMENT SUBMITTAL.** Development shall conform with the site plan submitted by *Mittelstaedt, Grover, Cooper, Ltd.* and *signed/dated 12/30/02*. These stipulations take precedence over the above-referenced site plan. Any proposed significant change, as determined by the Zoning Administrator, shall be subject to subsequent public hearings before the Planning Commission and City Council.
2. *No outdoor address or speaker systems are allowed.*
3. **CONFORMANCE TO APPLICANT LETTER.** Development shall conform with the parking lot standards documented in the letter submitted by Gary K. Herberger of Herberger Enterprises, Inc. and dated January 3, 2003 and shall be subject to Staff Approval review for any change of tenant occupancy in this commercial center.

Traffic Impact

Conditional Use Permit Application

Health Studio – “Pure Fitness”

1-UP-2003

7330 E. Shea Boulevard 1/28/03

Traffic Summary

This health studio is proposed for an existing building in a shopping center at the northeast corner of Shea Boulevard and Scottsdale Road. The center has two main interconnected components, with the west section facing Scottsdale Road and the east section facing 74th Street. From the health studio, located in the east section, it is possible to access 74th Street, Shea Boulevard, or Scottsdale Road. It is anticipated that most of the access to the health studio will be from 74th Street and Shea Boulevard, the frontages of the east section. The east side of the center has full left turn access to 74th Street and right turn access to Shea Boulevard. Full left turn access from the overall center is available to Shea Boulevard in the middle of the south side of the center.

In order to assess traffic impact, an estimation of the trips related to the project is developed. The Pure Fitness health studio will occupy existing commercial space which otherwise could be used for some general commercial use. The table, below, contains the trip generation for the health studio use compared with general shopping center use. The general commercial use has a somewhat higher AM and PM peak hour rate, and a higher daily rate. The health studio is estimated to generate 300 “external trips” per typical weekday, 18 of which will occur during the A.M. peak hour and 65 of which will occur during the P.M. peak hour. External trips are those accessing the public street system. 30 additional daily “internal trips” will not use the street, being direct visits to and from the new health studio to and from other existing on-site uses. The equivalent space for general commercial shopping center use, generates 971 daily, 23 AM peak hour, and 85 PM peak hour trips, with the internal trips already reflected in those numbers.

LAND USE	SIZE	EXTERNAL TRIPS GENERATED COMPARED TO GENERAL COMMERCIAL USE						
		DAILY	A.M. PEAK HOUR (7:00-8:00 A.M.)			P.M. PEAK HOUR (5:00-6:00 P.M.)		
			IN	OUT	TOTAL	IN	OUT	TOTAL
Health Studio (proposed)	22,633 S.F.	300	10	8	18	35	30	65
Shopping Center (for comparison)	22,633 S.F.	971	14	9	23	41	44	85

As shown, above, the health studio use will add less volume than otherwise allowed by right, at the Shea Boulevard and 74th Street driveways, and to the adjacent Shea Boulevard and 74th Street intersection. The business hours of the health studio are somewhat different from regular commercial space, with this health studio to have significant business before 7:00 AM and after 6:00 PM. The hours of operation of the health studio will be Monday to Friday 5:00 AM to 10:00 PM, and Saturday and Sunday from 8:00 AM to 7:00 PM.

Adjacent to the shopping center, Shea Boulevard, with a capacity of 55,000, carries 38,000 vehicles per day, and 74th Street with a capacity of 30,000, carries 6,000. Traffic volume generated by the proposed conditional use is compatible with area traffic conditions. This health studio use traffic, being comparable with other commercial uses that could occupy the space by right, will not, pursuant to the Zoning Ordinance, Section 1.401 A. 2., “impact on surrounding areas resulting from an unusual volume or character of traffic.”



538-PA-02

CASE NUMBER _____

LOCATION OF APPLICATION 7330 E. SHEA BLVD. SCOTTSDALE AZ

COMMUNITY INPUT CERTIFICATION

It is valued in the city of Scottsdale that all applicants for rezoning, use permit, and/or variances will inform, and will invite input from, neighboring residents and other parties that may be impacted by the proposed use. The applicant shall submit this completed certification with the application as verification that such contact has been made. Community input was solicited as documented below:

Date	Name (person, organization, etc.) and Address	Contact	Format	
		Meeting	Phone	Letter
				X
	SEE ATTACHMENT			


Signature of owner/applicant

10/31/2002
Date

538-PA-2002

11/7/2002

ATTACHMENT #7

1-UP-2003

1/8/2003

SHEA BOULEVARD ■ SCOTTSDALE, ARIZONA 85251 ■ PHONE (602) 994-2600

Harkins Theater
7354 E. Shea
Scottsdale, AZ 85260

Huddle Furniture
7342 E. Shea, #106
Scottsdale, AZ 85260
(K&B Furniture)

Long Wong's
7366 E. Shea, #104
Scottsdale, AZ 85260
(Tom Maricle)

Learning Express
7342 E. Shea, #101
Scottsdale, AZ 85260
(B&B Toys, LLC)

Mephisto
7342 E. Shea, #104
Scottsdale, AZ 85260
(SCS Comfort, Inc.)

Paris-Paris
7366 E. Shea, #102
Scottsdale, AZ 85260

Quizno's
7366 E. Shea, #107
Scottsdale, AZ 85260
(PMGA Enterprises, Inc.)

Samuari Sam's
7366 E. Shea, #112
Scottsdale, AZ 85260
(S & R Crescent)

Bella Mani
Kevin T. Phan, dba
7366 E. Shea, #111
Scottsdale, AZ 85260

Bellini Juvenile Designer Furniture
7366 E. Shea, #106
Scottsdale, AZ 85260
(Pregler Enterprises, Inc.)

Blue Burrito Grille
7318 E. Shea, #101
Scottsdale, AZ 85260
(Restaurant Group I, LLC)

Coco's
7388 E. Shea
Scottsdale, AZ 85260
(Fri-M Corp)

Coffee Plantation
7366 E. Shea, #101
Scottsdale, AZ 85260
(Kahawa, Inc.)

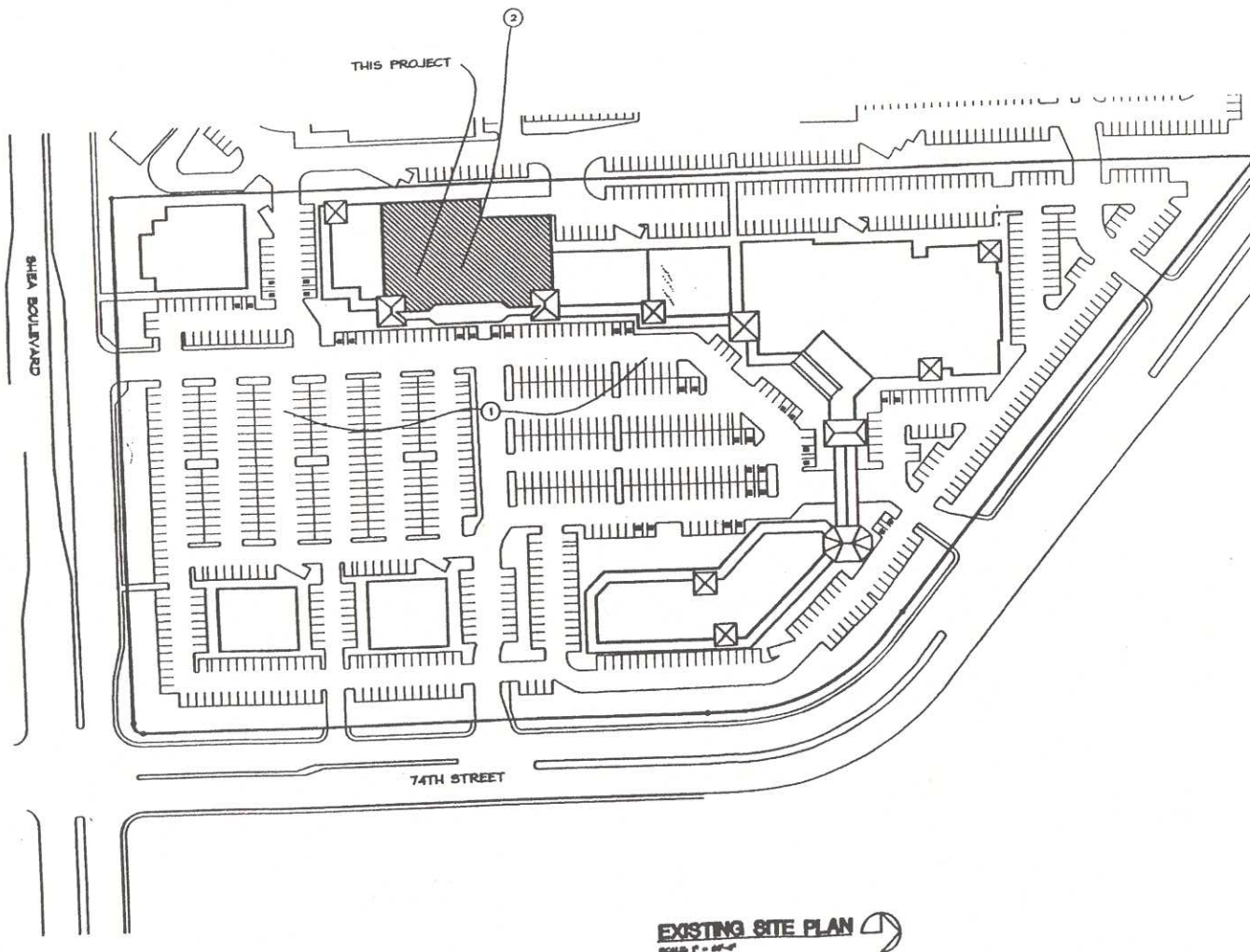
Continental Lifestyles
7342 E. Shea, #110
Scottsdale, AZ 85260

Disc Connection, Inc.
Dba The CD Place
7366 E. Shea, #110
Scottsdale, AZ 85260

Edufit
7366 E. Shea, #109
Scottsdale, AZ 85260
(Ztak, Inc.)

Egani Corporation
dba Via Gelato
7366 E. Shea, #105
Scottsdale, AZ 85260

↓
SCOTTSDALE UNIFIED
SCHOOL DISTRICT 48
PHOENIX, AZ 85018
602 952 6100



KEYNOTES

1. EXISTING SITE PLAN TO REMAIN
2. EXISTING SITE TO BE IMPROVED

Mittelstaedt
Grover
Cooper, Ltd.

ARCHITECTURE - INTERIORS

4130 E. VAN RAVEN ET, SUITE 200
PHOENIX, ARIZONA 85008
P: (602) 775-3431 F: (602) 275-1214
FAX: (602) 775-1214

ALL DRAWINGS, PLANS, SPECIFICATIONS, AND
NOTES ARE THE PROPERTY OF MITTELSTAEDT
GROVER COOPER, LTD. AND ARE NOT TO BE
REPRODUCED OR TRANSMITTED IN ANY FORM
OR BY ANY MEANS, ELECTRONIC OR MECHANICAL,
INCLUDING PHOTOCOPYING, RECORDING, OR BY
ANY INFORMATION STORAGE AND RETRIEVAL
SYSTEM, WITHOUT THE WRITTEN PERMISSION OF
MITTELSTAEDT GROVER COOPER, LTD.

ISSUED FOR: DATE:

REVISION:

DATE:
10-02-0002
JOB NUMBER:
8008141

PURE FITNESS "It's for everyBODY!"

7330 EAST SHEA BOULEVARD, SUITES 101 & 102
SCOTTSDALE, ARIZONA 85260

8

SCOTTSDALE PLANNING COMMISSION REPORT



MEETING DATE: February 26, 2003 ITEM No. _____ GOAL: Coordinate Planning to Balance Infrastructure

SUBJECT Pueblo Poquito Abandonment

REQUEST Request to consider the following:
1. Abandon 10 feet of Mountain View Road right-of-way, 20 feet of 123rd Street right-of-way (including a 46-foot radius cul-de-sac), and a 33 feet General Land Office patent roadway easement along 123rd Street.

11-AB-2002

Related Policies, References:
(10-PP-98, 20-AB-99)

OWNER Saddle Rock Ranch L L C
480-860-6463
James and Cynthia Jaske
12256 E. Mountain View Road
Scottsdale, Arizona 85259

APPLICANT CONTACT Earl Curley & Lagarde P C
602 265-0094

LOCATION 123rd Street & Mountain View Road

BACKGROUND

Background.

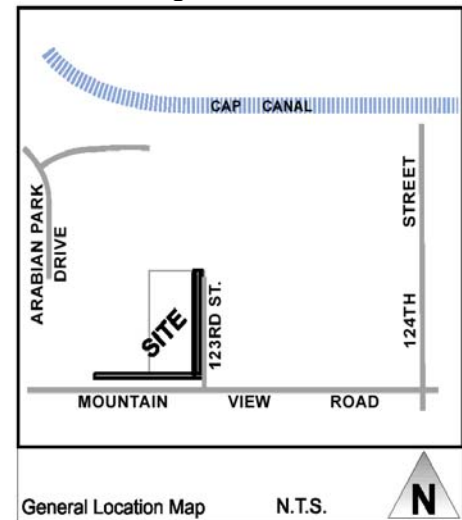
The subject 10 feet Mountain View Road right-of-way was originally dedicated in the County. The subject 20 feet and 46 feet radius 123rd Street cul-de-sac was dedicated in the city on the Pueblo Poquito subdivision plat recorded March 5th, 2002. The 123rd Street 33 feet General Land Office (GLO) patent easement was dedicated on the original GLO patent deed. This abandonment is being done in conjunction with a Replat of the Pueblo Poquito subdivision.

Zoning.

The site is zoned R1-43.

Context.

This case is the result of commencement of construction of roadway improvements for the Pueblo Poquito subdivision plat. These improvements were being constructed on a portion of the 33 feet GLO patent roadway easement of an adjacent property (Jaske's property). The property owners said they were unaware that the GLO roadway easement existed, and was not in favor of the improvements.



Both property owners convened with their respective legal representatives and City of Scottsdale staff, and proceeded to an agreement to facilitate the construction of the improvements to serve the subdivision.

This agreement included quitclaiming portions of the Jaske property to the Pueblo Poquito plat property owner, in exchange for favorable location of the roadway improvements, and wall improvements. It also included the Pueblo Poquito property owner filing an application to abandon the subject public right-of-ways, and 33 feet GLO roadway and utility easements of this case. It required a Replat of the Pueblo Poquito subdivision, and revisions to engineering and landscape plans.

**APPLICANT'S
PROPOSAL**

Goal/Purpose of Request.

This request is to abandon both the 33 feet GLO patent roadway easement, and the 20 feet and 46 feet radius cul-de-sac public right-of way along the 123rd street alignment. The public right-of-way and a portion of the 33 feet GLO easement will be replaced with a private street shown as tract "B" on the Pueblo Poquito Replat map (Attachment #5).

The entry into 123rd Street will be a 46 feet radius cul-de-sac. This will enable vehicular traffic to turn-around if they are not proceeding through the gates into the subdivision. 123rd Street will be gated just past the turn-around area.

This request is also to abandon the north 10 feet of the Mountain View Road right-of-way. This will reduce the 40 feet half street on Mountain View Road along the Jaske property frontage to 30 feet, matching the Mountain View Road right-of-way of the Pueblo Poquito plat.

The goal of the abandonment is to change 123rd Street to a private street so as to reduce the 123rd Street roadway area as it affects the single-family lot. This abandonment request is also to reduce the Mountain View Road right-of-way to be consistent along both property frontages.

Key Issues.

CITY IMPACT:

- 123rd Street becomes private and city no longer responsible for maintenance.
- Dedicates cul-de-sac turn-around to accommodate private streets.
- Enables a replat of the Pueblo Poquito subdivision.

NEIGHBORHOOD IMPACT:

- Eliminates public use of the subject roadway easements and public right-of-way.
- Transfers maintenance of subject right-of-way to the adjacent property owners.
- Facilitates the agreement between the two adjacent property owners to implement the subdivision improvements.

PROPERTY OWNER IMPACT:

- Property ownership will revert back to adjacent property owners.
- Maintenance of subject right-of-way will revert to the adjacent property owners.

- Enables the replat of the Pueblo Poquito subdivision.
- Resolves a dispute between property owners regarding access to property along 123rd Street

Community Impact.

The abandonment will enable the two property owners to accomplish the agreed upon solution to construct the roadway, wall and landscape improvements for the Pueblo Poquito Replat.

IMPACT ANALYSIS**Departmental Responses.**

City Department/Division participants concur with this abandonment request. See Department Issues Checklist (Attachment #1).

Since the purpose of the abandonment is to mitigate the impacts to the Jaske property of the roadway improvements of the Pueblo Poquito subdivision, and since the Jaske property is not requesting any building permits or other improvements to their property, the public trail easement requirement for the Jaske property would occur at the time of redevelopment or other request specific to their property. Public trail easements are required of the Pueblo Poquito replat consistent with the original approved subdivision.

Community involvement.

At the time of writing this report, one citizen contacted us with a question about access.

**OPTIONS AND STAFF
RECOMMENDATION****Description of Option A:**

The Planning Commission could choose to recommend approval of the abandonment as proposed:

Description of Option B:

The Planning Commission could choose to continue the case to obtain more information or citizen input.

Description of Option C:

The Planning Commission could choose to recommend denial of the requested abandonments of the subject public right-of-ways and GLO roadway and utility easements.

Recommended Approach:

Staff recommends approval, as referenced in Option A.

RESPONSIBLE

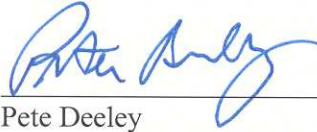
Planning and Development Services Department

DEPT(S)

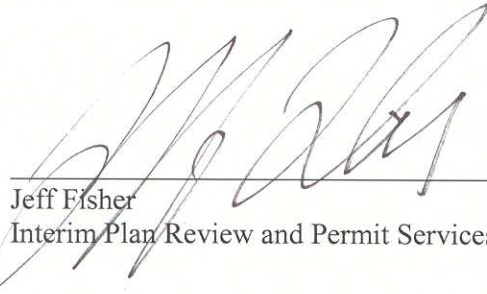
STAFF CONTACT(S)

Pete Deeley
Project Coordination Manager
480-312-2554
E-mail: pdeeley@ScottsdaleAZ.gov

APPROVED BY



Pete Deeley
Project Coordination Manager
Report Author



Jeff Fisher
Interim Plan Review and Permit Services Director

ATTACHMENTS

1. Departmental Checklist
2. Context Aerial
3. Detail Aerial-pre- abandonment
- 3A. Detail Aerial-pre- abandonment
4. Pueblo Poquito final plat map
5. Pueblo Poquito replat map

CASE 11-AB-2002

Department Issues Checklist

Transportation

☐ Support—The abandonment of the subject right-of-way and General Land Office patent easements will result in a private street at this location. The radius turn-around will enable emergency vehicles and other vehicles the ability to turn-around if they are not proceeding north on 123rd Street.

Trails

☐ Support —Since the purpose of the abandonment is to mitigate the impacts to the Jaske property of the roadway improvements of the Pueblo Poquito subdivision, and since the Jaske property is not requesting any building permits or other improvements to their property, the trail easement requirement for the Jaske property would occur at the time of redevelopment or other request specific to their property. Public trail easements are required of the Pueblo Poquito replat consistent with the original approved subdivision.

Adjacent Property Owner Notification

☐ Support—All adjacent property owners are in concurrence with this request.

Public Utilities

☐ Support—Public utility easements are being dedicated on the Replat of Pueblo Poquito to facilitate public utility locations.

Emergency/Municipal Services

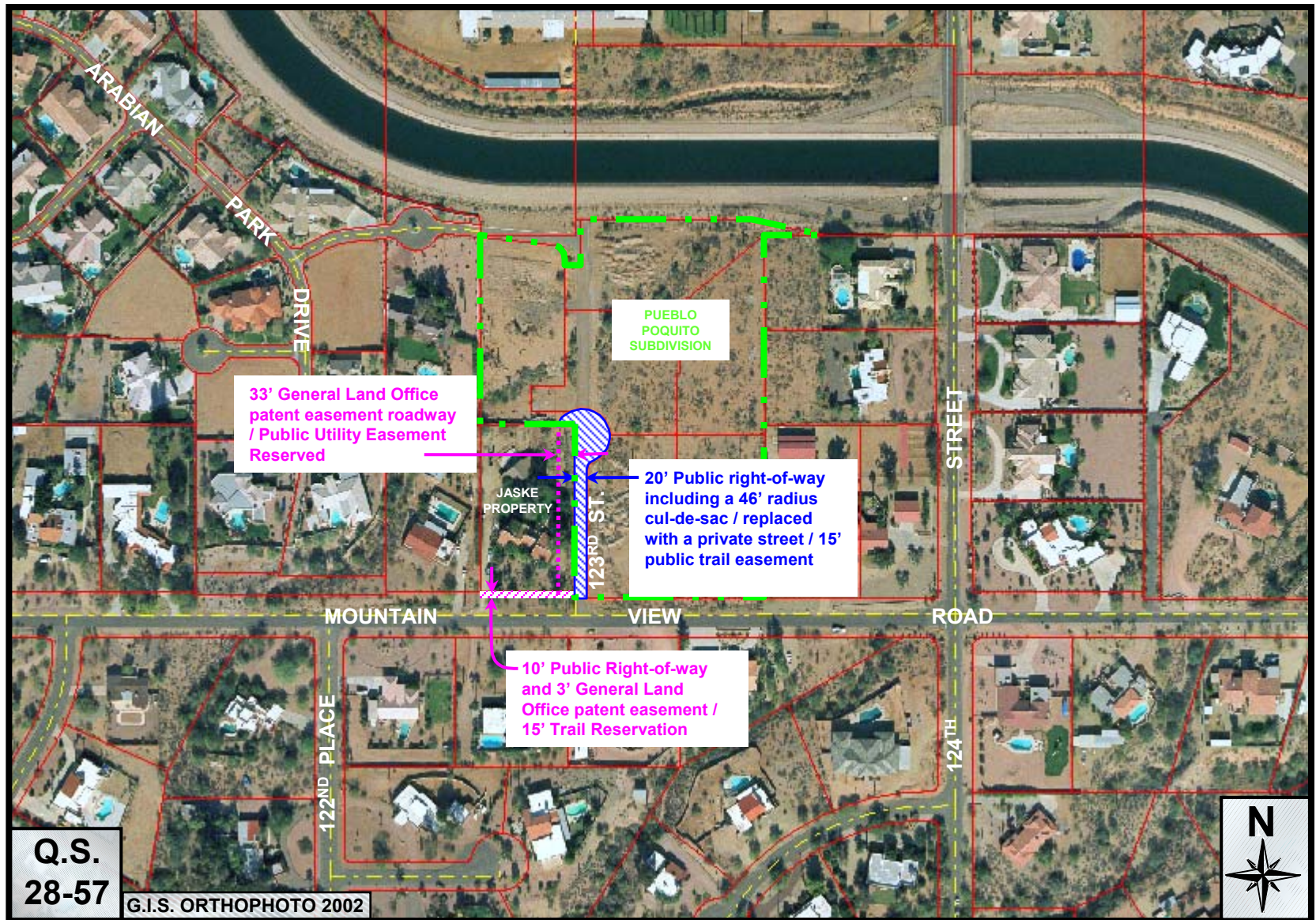
☐ Support—Emergency service vehicle access is being provided over all private street location.

Water/Sewer Services

☐ Support—Public utility easement are being provided to facilitate all water and sewer locations.

Drainage

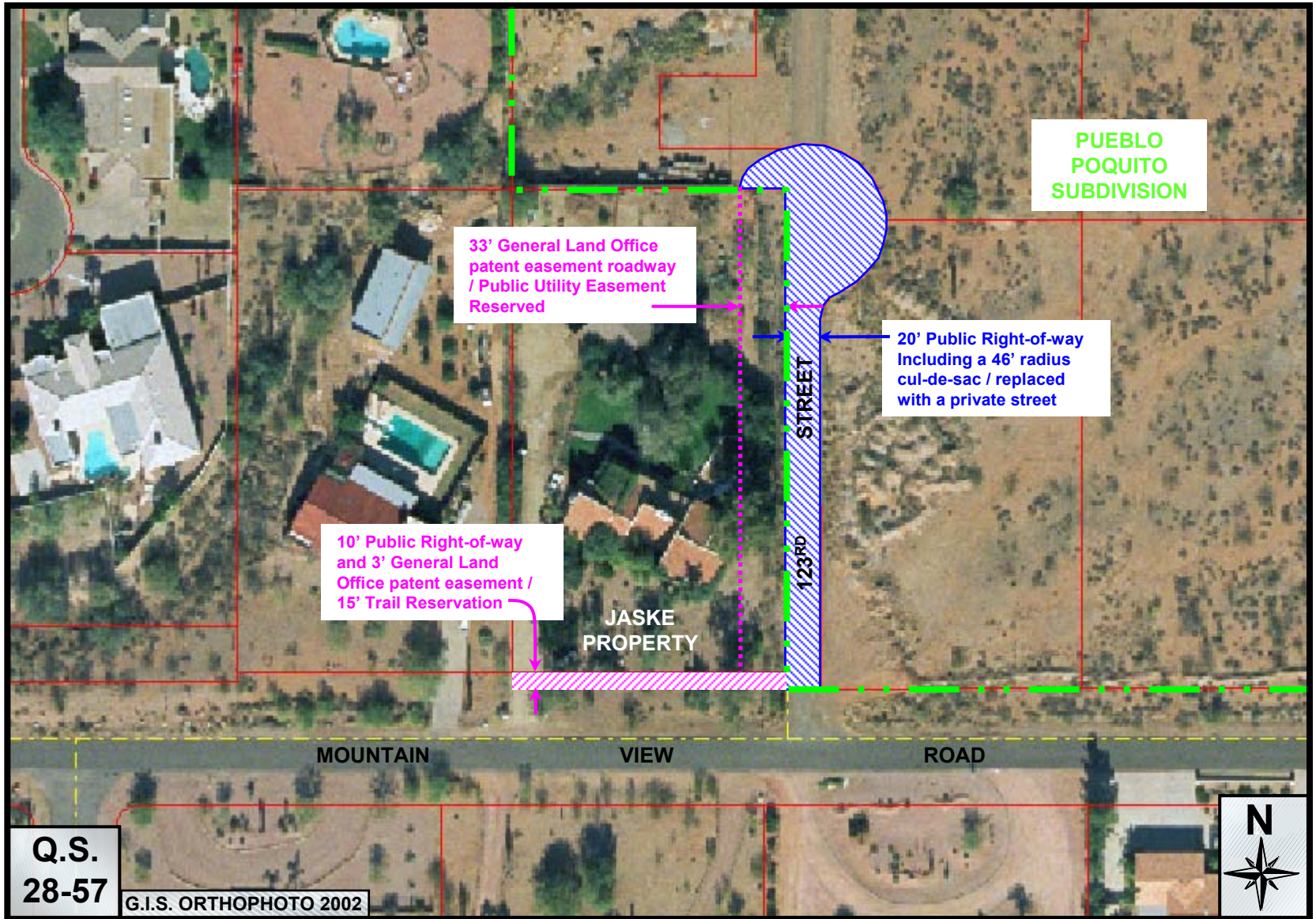
☐ Support—Drainage easements were required according to city requirements at the time of the Pueblo Poquito subdivision plat. This request does not alter any conditions of the original subdivision.



123RD Street & Mountain View Road

11-AB-2002

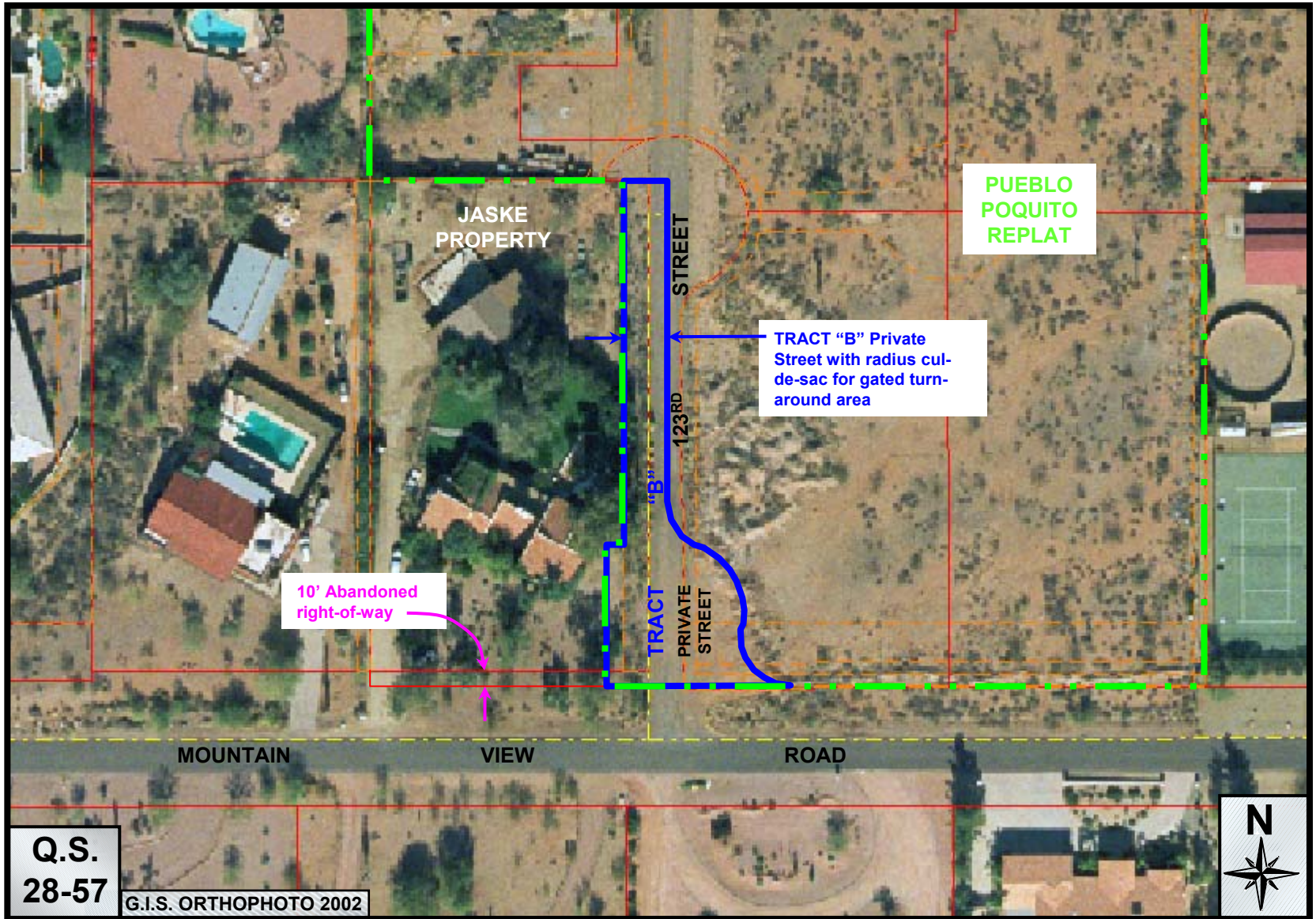
ATTACHMENT #2



123RD Street & Mountain View Road

11-AB-2002

ATTACHMENT #3

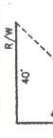


123RD Street & Mountain View Road
(Post Abandonment)

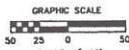
11-AB-2002

ATTACHMENT #3A

123RD STREET



SIGHT DIST. TRIANGLE ESM'T
DETAIL
(NO SCALE)



CURVE TABLE		
CURVE	LENGTH	RADIUS
C1	20.39	250.00
C2	20.39	250.00
C3	20.39	250.00
C4	20.39	250.00
C5	20.39	250.00
C6	20.39	250.00

NOTE

THE CITY OF SCOTTSDALE IS TO ASSUME
MAINTENANCE RESPONSIBILITY AND
LIABILITY FOR THE EQUESTRIAN TRAIL.

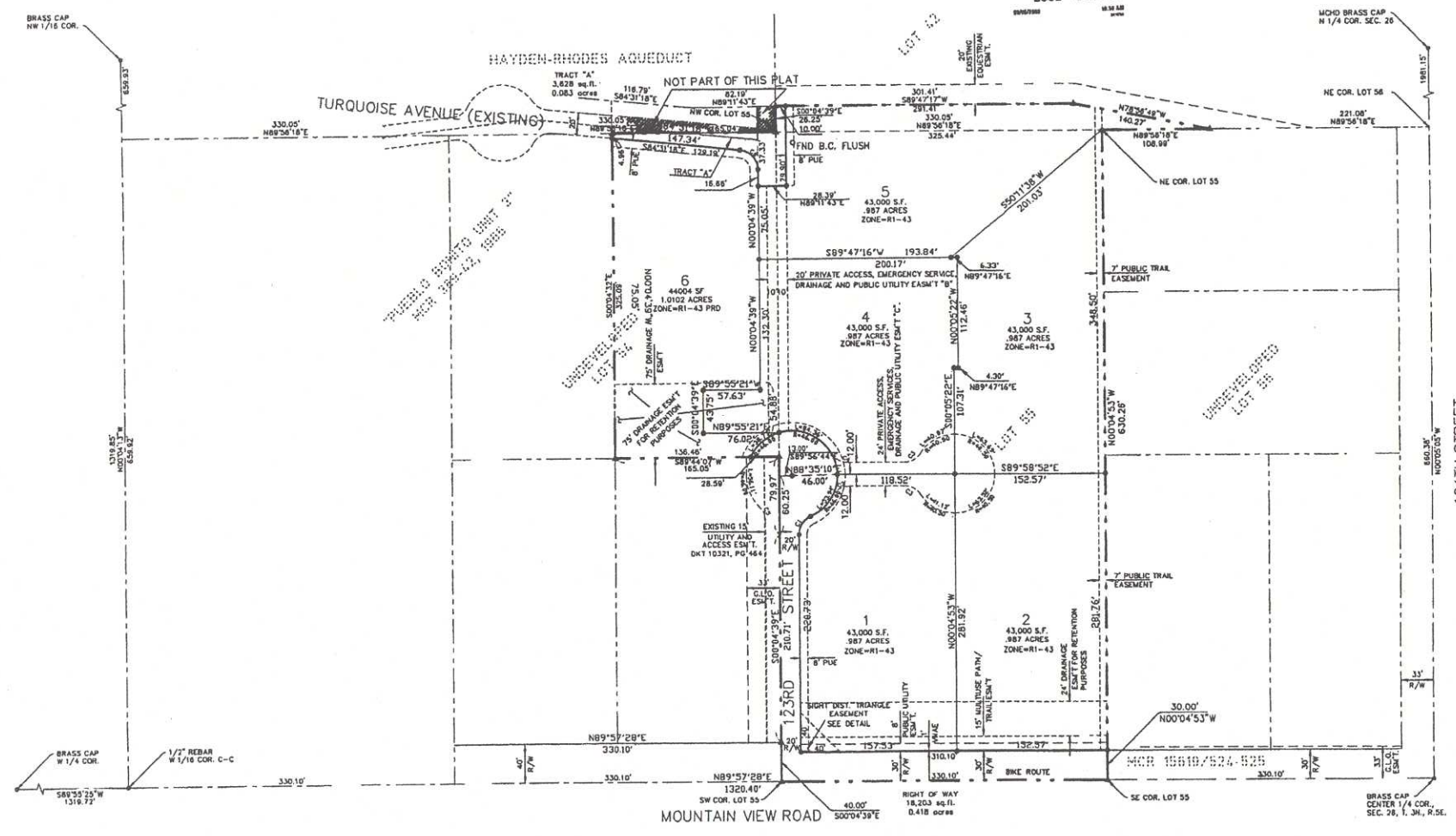
LEGEND

- INDICATES SET 1/2" DIA. REBAR
- INDICATES FOUND B.C. IN H.H.
- INDICATES FOUND 1/2" REBAR
- △ INDICATES CORNER OF THIS SUBDIVISION TO BE SET WITH 1/2" REBAR & RLS CAP NO. 28725

BASIS OF BEARING

ARIZONA STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE
FOR THE CENTER LINE OF MOUNTAIN VIEW ROAD

BOOK 586 PAGE 34
OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
HELEN PURCELL
2002-0227806



586-34

REVISIONS

DESIGNED BY:	RC
DRAWN BY:	LP
CHECKED BY:	RC

GROW ENGINEERING CO.
CONSULTING ENGINEERS
8322 E. KILAREA AVENUE #7
MESA, ARIZONA 85208
(480) 358-0810

FINAL PLAT
PUEBLO POQUITO
PORTIONS OF LOTS 42, 54 AND 55 IN THE SE 1/4
OF THE NW 1/4, SECTION 26, T. 3 N. R. 5 E. G. & S.B.M.
MARICOPA COUNTY, ARIZONA



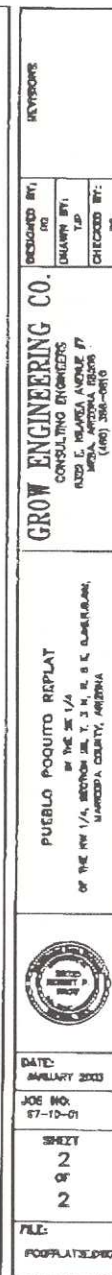
DATE:
JANUARY 2002

JOB NO:
97-10-01

SHEET
2
OF
2

FILE:
POOFPLAT3E.DWG

PUEBLO POQUITO FINAL PLAT MAP



ATTACHMENT #5

SCOTTSDALE PLANNING COMMISSION REPORT



MEETING DATE: February 26, 2003

ITEM NO. _____ GOAL: Preservation Character

SUBJECT

Hotel Valley Ho

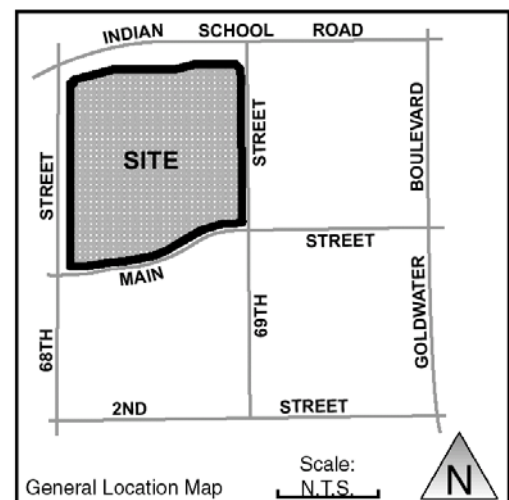
REQUEST

Request for approval of amended development standards for building height, front yard parking setback and frontage open space requirements on a 8.86 +/- acre parcel located at 6850 E. Main Street with Highway Commercial, Historic Property (C-3 HP) zoning.

7-ZN-2002#2

Key Items for Consideration:

- The requested amended standards conform to the approved HP Plan for the Hotel Valley Ho. Section 6.119.A.5.c on HP Plans provides the option to amend development standards in the underlying zoning, and to set standards needed to preserve and maintain the historic character.
- The requested amended development standards will better achieve the approved design guidelines and historic preservation objectives than any other option, and will enable its reuse, rehabilitation and new construction in the most sensitive manner to the historic features.
- The amended height standard (65') will allow for the expansion of one portion of the historic hotel to a six-story building, implementing the original 1956 plans for additional stories at this location.
- The amended open space and landscape standards will allow for the retention of the existing open space and parking locations in conformance with the historic site plan.
- The site is located within the Downtown area, which designates the site for hotel/resort use and Type 2 development, which supports additional height and density.
- The Historic Preservation Commission (HPC) approved the Hotel Valley Ho HP Plan on February 13, 2003, including the proposed amended development standards.



Related Policies, Cases, and Zoning History:

- This action directly supports City Council Broad Goal B: Preserve the Character and Environment of Scottsdale
- 7-ZN-2002, zone change to add Historic Property overlay zoning (C-3 HP)
- 7-AB-2002, abandonment of Main St. between 68th and 69th Streets
- HPC approved character defining features and design guidelines for Hotel Valley Ho HP Plan, August 2002
- 49-DR-2002, HPC approved Certificate of Appropriateness and design review in C-3 HP zone for rehabilitation of historic hotel
- 49-DR-2002#3, pending amended Certificate of Appropriateness and design review in C-3 HP zone for historic hotel north of abandoned Main St., utilizing the proposed amended development standards in 7-ZN-2002#2.

APPLICANT

City of Scottsdale

APPLICANT CONTACT

Don Meserve, AICP, Preservation Planner
City of Scottsdale
(480) 312-2523

OWNER

Scott Lyon, Managing member
Msr Properties LLC
7305 E. Greenway Road
Scottsdale, Arizona 85260
480-637-6222

LOCATION

6850 E Main St

BACKGROUND**Process**

The Development Assistance part of the HP Plan (See Attachment 10. Hotel Valley Ho Historic Preservation Plan), includes the three proposed amendments to the C-3 Highway Commercial development standards, for building height, frontage open space, and parking setbacks. The Historic Preservation Commission is responsible for reviewing the Historic Preservation Plan. The HP Plan for the Hotel Valley Ho was approved unanimously by the Commission on February 13, 2003. However, formal adoption of proposed amended C-3 zoning standards for this historic property must be approved by City Council, following a recommendation from the Planning Commission. Therefore, the Planning Commission is conducting a public hearing on the proposed amendments for the Hotel Valley Ho as case 7-ZN-2002#2, separate from the HP Plan.

Historic Significance of Hotel

The Hotel Valley Ho was listed on the Scottsdale Historic Register through the establishment of a Historic Property (HP) overlay zoning district in July 2002. Its historic and architectural significance was documented in the designation process and included hearings before the Historic Preservation Commission (HPC), Planning Commission and City Council (See Attachment 12. Historic Significance and Integrity Assessment Report). The Hotel Valley Ho is historically significant for its association with Scottsdale's development as a top rated arts colony and tourist destination and for its modern, organic architectural style. The Hotel Valley Ho is the only remaining intact

historically and architecturally significant Post World War II resort in Scottsdale and most likely in Arizona. The property is currently being considered for National Historic Designation. It is this exceptional significance that merits the City's special treatment of this designated historic property.

Evolution of a Historic Property

The intent of historic preservation is not to freeze a property at one particular point in time or to stagnate the use of a property. A successful historic preservation program ensures that the significant features of a property are maintained over time and are incorporated into additions to the property, while providing opportunities for the property to evolve over time to respond to economic and appropriate reuse situations. These dual goals are central to the request being made for the Hotel Valley Ho. The character defining features will be preserved while the proposed amended development standards will permit the property to evolve consistent with the original intent of the designer. This evolution enables the owner to make economic use of the property. Often modern day codes and regulations create conflicts with an effort to preserve the significant features of a property. Amended development standards are an important tool to overcome this obstacle.

Zoning and Land Use Plan

The site is zoned C-3 HP (Highway Commercial, Historic Property). The C-3 zoning allows a variety of commercial uses including resort hotels. The HP designation is an overlay-zoning district used to recognize its historic and architectural significance. The Land Use Plan identifies the site as Downtown Residential Hotel Type 2 Development. The Hotel Valley Ho HP overlay zoning designation was adopted to recognize its historic and architectural significance and to formalize the City of Scottsdale's commitment to its preservation.

Context

	North	East	South	West
Land Use Plan	Downtown Office Residential Type 2	Downtown Office Residential Type 2	Downtown Residential Hotel Type 2	Suburban Neighborhood
Zoning	C-2	C-2	C-3	R1-7
Land Use	Automobile repair, Commercial retail and office	Commercial retail and office	Vacant hotel, multi-family residential	Single family residential

APPLICANT'S PROPOSAL

Goal/Purpose of Request.

The requested amendments directly address the existing physical conditions and character of the historic property, and enable its reuse, rehabilitation and new construction in a manner most sensitive to the historic features that make it historically and architecturally significant. The amended development standards, will allow for the placement of the new construction and the

retention of the existing open space and parking locations, in a manner that conforms to the City Historic Preservation (HP) Plan Design Guidelines, and the Secretary of the Interior's Standards for Rehabilitation.

Amended development standards can be included in a HP Plan according to Zoning Ordinance Section 6.119.A.5.c, which provides for the modification of the development standards in the underlying zoning district of designated historic properties. The basis for granting the modification of the development standards is to support the preservation goals for the property (See Attachment 11. Section 6.119. Historic Preservation Plan). Section 6.119.A.5.c also requires that amended development standards must be approved according to the same procedures for establishing HP Districts, including public hearings before the Planning Commission and City Council.

Approval of this request will tangibly demonstrate the City's support for the preservation of historic properties. It will show a willingness to understand and resolve the complexities of dealing with historic conditions, and to be flexible in the administration of City's standards when it is necessary to retain the historic character of the community.

Enabling historic commercial buildings to retain economically viable, productive uses is critical to their preservation. When the HPC approved the HP Plan on February 13, 2003, the Commission indicated full support for the owner's plan to rehabilitate this significant historic resource and to continue the property's historic use as a hotel complex. The owner has made a convincing argument that for the operation of the hotel to be successful, there is a need to expand the number of guest rooms and resort amenities and services available to meet the demands of the modern day traveler or vacationer.

Summary of Amended Standards.

Three amendments to the development standards in the C-3 Highway Commercial underlying district are requested:

1. Increase the maximum building height from 36 feet to 65 feet for one location on the southwestern part of the site, for the area above the portion of the building containing the lobby/bar/restaurant only;
2. Reduce the amount of frontage open space required from 50% to 25%, while maintaining the total open space requirement; and
3. Reduce the front yard for parking from 35 feet (or 20 feet if berming or a wall with landscaping is provided) to 0% to recognize and allow the historic location of parking.

Attachment 2. is the Legislative Version of these three proposed text changes.

The owner has elected to keep the existing C-3 HP zoning for the historic hotel, and to use the HP Plan as a basis for justifying amended development standards. The three proposed amendments are necessary to preserve and maintain the historic character of the Hotel Valley Ho. The existing building layout on the historic portion of the property is a fixed feature the owner must work with and around. This limits the development opportunities of the property. The amended development standards are necessary to both ensure

the property's significance is maintained while providing an opportunity for the economic use of the property.

The amended standard on height, from 36' to 65' maximum above the average curb elevation, will allow for additional stories to be built directly above the existing one- and two-story lobby, bar and restaurant portion of the hotel complex (See Attachment 8. Site Plan). This location is the only location on the site where a building taller than 36' would be permitted under the amendment. This location is over 200' from the nearest residence, which is west of the property. The exceptions in Section 7.102 to exceed maximum building height still apply, so the appurtenant stair and elevator towers on the north and south ends of the six-story building proposed with an estimated 75' height, would comply with ordinance standards.

The proposed additional height in this central location, is consistent with the original documented Edward L. Varney Associates, 1956 architectural and structural engineering plans for four additional floors of guest rooms on top of the two-story lobby. If the original plans had been constructed, the tower portion directly above the bar and restaurant and two-story lobby would have had five occupied public floors, and would have been the visual equivalent of a six-story building. Hotel towers are character-defining features of motor hotels from the 1950's.

The owner's approved Certificate of Appropriateness and elevations in case 49-DR-2002 included an additional story of guest rooms above two of the existing original room wings. During the early stages of detailed planning to implement these plans, the owner identified a number of issues. Most importantly, when these plans were reviewed with Preservation staff and the State Historic Preservation Office (SHPO) as part of the application for National Register designation, it was strongly suggested improvements should conform to the original plans and that additions to the wings were inconsistent with the original plans. The owner went back and revised the improvement plans to conform to the original 1956 Varney vision. The original plan is the basis for the amended standards being requested.

An additional consideration for the owner is whether additions will meet federal standards, and whether the overall project will be eligible for a federal tax credit program. The owner is applying for the federal Historic Preservation Tax Credit, which requires that the plans conform to the Secretary of Interior's Standards for Rehabilitation. Preservation and SHPO staff verbally supported the developer's new proposal for the additional height in accordance with the original 1956 drawings. There has not been a federal response to date on the compatibility of the plans with federal standards.

The proposed amended standards on frontage open space and parking setback will allow for the retention of the existing open space, as well as new and existing parking locations to conform with and retain the prominent characteristics of the historic site plan. The total open space requirement will still apply. These two amendments will allow the site plan to conform to the City HP Design Guidelines and the Secretary of the Interior's Standards. The amendment on the setback for parking will primarily recognize the existing parking locations on the site since no additional parking spacing are currently

proposed that would require this amendment (See Attachment 8. Site Plan). The site plan and elevations require a separate hearing and approval of a Certificate of Appropriateness and design review (49-DR-2002#3). The owner plans to retain and rehabilitate the two-story wings and buildings of the historic 1956-58 hotel.

General Plan/Downtown Plan Discussion.

The HP Plan for the Hotel Valley Ho and the proposed amended development standards are consistent with the Scottsdale General Plan. The Character and Design Element includes a Scottsdale Value for the “Protection of significant historic buildings and settings.” The Downtown Land Use Plan recommends Residential/Hotel land use with Type 2 Development standards for this property. The resort hotel use is consistent with the Downtown Land Use Plan, and the proposed height amendment is consistent with the character of Type 2 Development.

The Zoning Ordinance would allow hotels with up to 8-stories on this site (72 feet if 300 feet from an R-1 district). Owners could seek a Downtown zoning with a Planned Block Development (PBD) overlay if they wanted to have similar amended development standards or to increase the maximum Floor Area Ratio (FAR) allowable from the existing .8 FAR in C-3 to a maximum of 1.8 FAR with the amended standards and bonuses for resort hotels in a Type 2 PBD. However, the historic Hotel Valley Ho situation is unique because the proposed location of additional stories and the proposed height amendment could not be approved under the PBD scenario since the affected portion of the building is within 200 feet of an R-1 district.

The use of amended development standards will best achieve the design guidelines and historic preservation objectives- to preserve and maintain the historic character of this hotel, as set forth by the HP designation and based on the approved HP Plan for this property.

Although there is not a requirement to participate in the cultural improvements program (1% for art), the owner is receptive to incorporating art into the design of the hotel and site plan in a manner similar to this program and has already agreed to provide land for a downtown gateway at the corner of Indian School Road and 68th Street (49-DR-2002).

Key Issues.

Historic Preservation and Building Height

- The Hotel Valley Ho has exceptional significance that merits the City’s special treatment of this designated historic property. The proposed amendments will preserve and maintain the historic character of this significant resource.
- The approach of using the option for amended standards in an HP Plan achieves the approved design guidelines and historic preservation objectives for this historic hotel better than any other option available.
- The amended height standard will allow for the expansion of the one- and two-story portion of the hotel complex to a six-story building, which implements the original 1956 plans for additional floors in this location and utilizes the foundation built to accommodate this addition. The

amended height cannot be used anywhere else on the site.

- The owner fully supports the proposed amended development standards in the HP Plan and case 7-ZN-2002#2 and will use the standards if approved.

Land Use and Zoning

- The Downtown Land Use Plan recommends a Residential/Hotel land use with Type 2 development standards (D/RH-2) for this site. The resort hotel is consistent with the Downtown Land Use Plan Type 2 character.
- City policies support 36' to 72' buildings (hotels with up to 8-stories) in Type 2 areas but the existing character of the area is predominantly one- and two-story.
- The owner's decision to use the existing C-3 HP zoning is consistent with HP objectives.
- The requirements for a cultural improvement program for PBD developments (1% for art program) do not apply but the owner is receptive to the intent of this program and has provided a downtown gateway site.

Community Impact.

Approval of this request will demonstrate the City's support for the preservation of historic properties. It will show a willingness to understand and resolve the complexities of dealing with existing historic conditions, and to be flexible in the administration of the development standards when it is necessary to be able to retain the historic character of the community.

Historic resources provide an opportunity for residents and visitors alike to see and appreciate significant examples of past efforts to build a special community. Historic buildings in the downtown like the Hotel Valley Ho put Scottsdale on the map as a tourist destination in the 1950s. Recognizing significant downtown resources and supporting their preservation and ongoing economic viability are consistent with the values and goals in the General Plan.

The design and building massing that would be permitted by the proposed amended development standards, will create a visual edge for this portion of the downtown at Indian School road and 68th Street. The proposed low scale project with one intermediate (six-story) building changes the existing character of this area, but conforms to the area's vision as shown in the Downtown Plan.

IMPACT ANALYSIS

Traffic.

A Traffic Impact and Mitigation Analysis (TIMA) was not conducted for the amended standards because this request does not include any proposed changes in the uses, density, volume, or floor area ratio (FAR) standards in the C-3 district. Further, this case did not warrant TIMA because approval of the proposed amended development standards, allowable for properties with HP overlay zoning under the HP Plan standards, does not constitute approval of a site plan, elevations, or a specific number of hotel rooms for the property. A specific project design based on the proposed amended standards will require the approval of an amended Certificate of Appropriateness and design review (case 49-DR-2002#3).

Policy implications.

The Hotel Valley Ho is the only remaining intact historically and architecturally significant Post World War II resort in Scottsdale and most likely Arizona. It is this exceptional significance that merits the City's special treatment of this designated historic property. No other property within the downtown would have a basis for requesting the amendment of the development standards for the reasons being considered for the Hotel Valley Ho. Due to the uniqueness of the circumstances related to this historic hotel, there would be no applicability for other modern day development projects.

Community Involvement.

The Hotel Valley Ho has been the subject of numerous public meetings since the first open houses on the designation and HP overlay zoning began in Fall 2001. The HPC is the lead citizen's commission for developing an effective historic preservation program. Other citizens groups, including the Scottsdale Historical Society and Scottsdale Downtown Partnership, have expressed interest in preserving Scottsdale's past and staff has provided progress reports to interested groups. The Scottsdale Library Advisory Board sponsored a Fall 2001 lecture series on "Post World War II American Architecture", including Scottsdale's postwar architectural resources.

The HPC held three open houses in 2002, on six proposed HP zoning cases including Hotel Valley Ho; and held public hearings on the HP zoning, the Certificate of Appropriateness and design review stipulations for the Hotel Valley Ho. The owner has met with residents in Southwest Village to the west and held a public open house at the hotel site on January 11, 2003. The owner reported that those in attendance unanimously support the project. The HPC conducted a study session on the Hotel Valley Ho HP Plan and amended standards in January 2003. The HPC, the owner and staff have received generally positive comments on both the initial HP zoning, the proposed HP Plan, and the amended standards for this downtown historic property. Some residents have expressed concern over the proposed increase in building height.

**OPTIONS AND
RECOMMENDATION****Description of Option A:**

The Planning Commission could choose to recommend to Council that the amended development standards in case 7-ZN-2002#2 be approved.

Description of Option B:

The Planning Commission could choose to continue the case to obtain more information or citizen input.

Description of Option C:

The Planning Commission could choose to recommend that Council deny the request, finding that the proposed amended development standards are not needed to preserve and maintain the historic character of the historic resource and/or are not consistent with established policy.

Description of Option D:

The Planning Commission could choose to recommend to Council that the proposed amended development standards should be changed to different standards.

Recommended Approach:

Staff recommends the Planning Commission approval of the proposed amended development standards in case 7-ZN-2002#2 for the Hotel Valley Ho, as authorized by Section 6.119. Historic Preservation Plan, as an appropriate tool to achieve the historic preservation and planning objectives for this property of exceptional significance, subject to the attached stipulations.

RESPONSIBLE

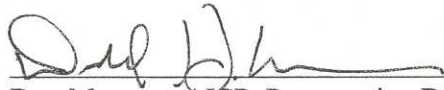
DEPT(S)

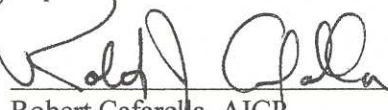
STAFF CONTACT(S)


Preservation Division

Don Meserve, AICP, Preservation Planner
Preservation Division
(480) 312-2523
dmeserve@scottsdaleaz.gov

APPROVED BY


Don Meserve, AICP, Preservation Division
Report Author


Robert Cafarella, AICP
Director, Preservation Division


Randy Grant
Chief Planning Officer

ATTACHMENTS

1. Applicant's Narrative
2. Legislative Version: Amended Development Standards
3. Context Aerial
4. Close-up Aerial/Existing Site Plan
5. Land Use Map
6. Zoning Map
7. Stipulations
8. Site Plan – Locations of Amended Standards Illustrated
9. Section: Original and Proposed Addition Intent Comparison
10. Background: Hotel Valley Ho Historic Preservation Plan
11. Background: Section 6119. Historic Preservation Plan
12. Background: Historic Significance and Integrity Assessment Report
13. Citizen Involvement Report

PCreport22603f

Hotel Valley Ho Historic Preservation Plan Narrative

The Hotel Valley Ho Historic Preservation Plan was prepared by the City of Scottsdale's Preservation Division for the historic hotel at 6850 E. Main Street. The substance of this application is therefore a written document including photos illustrating the existing site plan and buildings. The HP-Historic Property overlay zoning for this property was adopted by City Council in July 2002. The Hotel Valley Ho was placed on the Scottsdale Historic Register due to its historic and architectural significance to the community and its relationship to the development of Scottsdale as an arts colony and tourist destination. The designation of the Hotel Valley Ho by City Council in July also formalized the city's commitment to its preservation.

This application is for the Historic Preservation (HP) Plan for the 8.86 +/- acre Hotel Valley Ho property zoned C-3 HP. An HP Plan is mandated by the HP Ordinance, Section 6.119, for all properties designated HP by Council. Preservation staff prepared the HP Plan in coordination with the Historic Preservation Commission (HPC), the owner, Scott Lyon of MSR Properties LLC, the owner's architects, Allen + Philp, interested downtown citizens, surrounding property owners, and other city departments.

The proposed HP Plan has several sections including; descriptions of character defining features, design guidelines, proposed City development assistance including amendments to development standards, and financial assistance. This will be the first HP Plan under the local historic preservation program and Section 6.119 of the HP Ordinance that requires City Council approval, and that the City will have to process with HPC, PC and CC hearings.

The amended standards in the proposed plan include changes in the underlying C-3 zoning for building height, frontage open space and parking lot setbacks. The rationale for the amendments is to maintain the historic buildings, existing open space and parking locations on the site plan and to enable the owner to construct additional stories, if desired, above the existing one-story lobby and restaurant portion of the hotel to implement the documented original 1956 plans, engineering and construction.

The HPC approved the character defining features and the design guidelines sections of the HP Plan following a public hearing on August 22, 2003. The design guidelines were used by the HPC to review the site plan and elevations prepared by the applicant for case 49-DR-2002 for a project on the C-3 HP zoned property. Using the approved design guidelines, the HPC approved a Certificate of Appropriateness for the Hotel Valley Ho, Case 49-DR-2002, on October 3, 2002 and the related stipulations were approved by the HPC on October 24, 2002.

If the proposed HP Plan in this application is approved by City Council the owner, and their architects, intend to use the amended development standards for an amended Certificate of Appropriateness for a project that will include additional stories above the one-story portion of the complex to implement the original 1956 plans for the hotel. The site plan, elevations and other submittals for an amended Certificate of Appropriateness for a specific project design are not required for this application for an HP Plan and will be reviewed as a separate application.

**LEGISLATIVE VERSION
AMENDED DEVELOPMENT STANDARDS
CASE 7-ZN-2002#2
HOTEL VALLEY HO, 6850 E. MAIN STREET**

**ADOPTED C-3 HIGHWAY COMMERCIAL STANDARDS
WITH REQUESTED AMENDED DEVELOPMENT
STANDARDS SHOWN WITH ~~STRIKEOUTS~~ FOR DELETED
TEXT AND NEW TEXT IN UNDERLINED BOLD CAPS**

SOURCE: PRINTED FROM CITY'S INTERNET SITE AT
SCOTTSDALEAZ.GOV FROM MUNICODE ONLINECODES,
LIVEPUBLISH:MUNICODE.COM

Sec. 5.1500. (C-3) HIGHWAY COMMERCIAL DISTRICT.

Sec. 5.1501. Purpose.

This district is intended to permit most types of commercial activities and includes the sale of commodities or performance of services for a larger segment of population than the average neighborhood. This district is designed for application on major streets or portions thereof.

Sec. 5.1502. Approvals required.

No structure or building shall be built or remodeled upon land in the C-3 district until Development Review [Board] approval has been obtained as outlined in article I, section 1.900 hereof. (Ord. No. 3225, § 1, 5-4-99)

Sec. 5.1503. Use regulations.

A. *Permitted uses.* Buildings, structures, or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses:

1. Business and professional services.
 - a. Business and professional offices.
 - b. Business schools.
 - c. Hospitals for animals including boarding and lodging; provided that there shall be no open kennels maintained and provided that all facilities will be in soundproof buildings.
 - d. Medical or dental office including laboratory.
 - e. Optician.
 - f. Studio for professional work or teaching of any form of commercial or fine arts.
 - g. Municipal uses.
 - h. Private and charter school having no room regularly used for housing or sleeping overnight. Subject to Development Review Board approval and compliance with standards including, but not limited to, the following as well as those otherwise required in the district.
 - (1) Location: All proposed private and charter schools shall be located a minimum of five hundred (500) feet from any adult use.
 - (2) Lot area: The minimum lot area shall be equal to that required for the district, except that no lot shall be less than forty-three thousand (43,000) square feet (net).
 - (3) There shall be no outside speaker system or bells, if the school building is within one hundred (100) feet of a single-family dwelling or multifamily dwelling unit.
 - (4) Open space: Per underlying zoning district open space requirements. All NAOS requirements of the district must be met and may be applied towards the overall open space requirements subject to compliance with NAOS

standards.

- (5) Parking: Parking shall observe the front yard setbacks of the district for all frontages. One-third (1/3) of the required parking may be shared parking with other establishments present on site. Parking shall be located and screened per the requirements of the district.
- (6) Outdoor recreation area: All outdoor playgrounds and recreation areas shall be enclosed by a wall or fence sufficient in height to protect the safety and welfare of the students and shall be located within the side or rear yard. Any playground or outdoor recreation area shall be located a minimum of fifty (50) feet from any residential district and screened by a minimum six-foot high wall.
- (7) Drop-off area: A drop-off area accommodating a minimum of five (5) vehicles shall be located along a sidewalk or landing area connected to the main entrance to the school. This area shall not include internal site traffic aisles, parking spaces, fire lanes, etc.
- (8) Any public trails or pedestrian connections shall be incorporated into the site plan and approved by the Development Review Board.
- (9) Circulation plan: The applicant shall submit a circulation plan to insure minimal conflicts between the student drop-off area, potential van and bus drop-off area, parking, access driveways, pedestrian and bicycle paths on site.

2. Retail sales.

- a. Antique store.
- b. Appliance store.
- c. Art gallery.
- d. Automobile parts store.
- e. Awning or canvas sales store.
- f. Bakery.
- g. Bars and cocktail lounges without live entertainment.
- h. Bicycle store.
- i. Big box. Any single retail space (limited to permitted retail uses in this C-3 district) with a building footprint of equal to or greater than seventy-five thousand (75,000) square feet, if:

- (1) Primary access is not on a local collector* street; and

Note: *At the request of the city the term residential has been changed to collector in this subsection.

- (2) Residential zoned property is not located within one thousand three hundred (1,300) feet of the Big box property line (except residential zoned properties separated from the Big box by the Pima Freeway or developed with non-residential uses).

However, Big box is not permitted in the Environmentally Sensitive Lands Supplementary District.

Also See Sections 1.403 and 5.1503.B.

- j. Bookstore.
- k. Camera store.
- l. Candy store.
- m. Carpet and floor covering store.
- n. Clothing store.
- o. Craft shop conducted in conjunction with retail business which may include ceramics, mosaics, fabrics, jewelry, leather goods, silk screening, dress designing, sculpturing and wood carving.
- p. Department store.
- q. Drugstore.
- r. Electronic equipment store.
- s. Fabric store.
- t. Feed store.
- u. Florist.
- v. Furniture store.
- w. Gift shop.
- x. Grocery store or supermarket.
- y. Gun shop.
- z. Hardware store.
- aa. Hobby or toy store.
- bb. Home improvement store.
- cc. Ice cream store.
- dd. Ice distributing station.
- ee. Import store.
- ff. Jewelry store.
- gg. Liquor store.

- hh. Music store.
 - ii. Pawnshop.
 - jj. Pet shop.
 - kk. Plant nursery.
 - ll. Restaurant.
 - mm. Restaurant, drive-through and drive-in.
 - nn. Sporting good store.
 - oo. Stationery store.
 - pp. Swimming pool supply store.
 - qq. Variety store.
 - rr. Restaurant with associated microbrewery where brewed beer is consumed only on-premises and brewery occupies no more than fifteen (15) percent of the floor area of the establishment.
3. Wholesale sales. Wholesale sales of any commodity allowed as retail sales in the C-3 district.
4. Services.
- a. Animal boarding kennel, provided that there shall be no open kennels maintained and provided that all facilities will be in soundproof buildings.
 - b. Appliance repair.
 - c. Bank.
 - d. Barber or beauty shop.
 - e. Bowling alley.
 - f. Broadcasting station and studio, radio or television excluding sending or receiving tower except as provided in section 5.1503B.
 - g. Clothes cleaning agencies and laundromats, excluding industrial cleaning and dyeing plants.
 - h. Coin-operated carwash.
 - i. Fitness studio.
 - j. Frozen food locker.
 - k. Gymnasium, racquet, paddle or handball courts.
 - l. Hotel, motel, and timeshare project.
 - m. Movie theater (indoor only).

- n. Museum.
 - o. Post office.
 - p. Printing, lithography, publishing or photostating establishment.
 - q. Private clubs, fraternities, sororities and lodges.
 - r. Recyclable material collection center.
 - s. Shoe repair shop.
 - t. Swimming pool sales office, including display pools only; but excluding construction equipment storage yard.
 - u. Taxidermist.
 - v. Telephone answering service.
 - w. Turkish bath that may include masseur and/or masseuse.
 - x. Upholstery shop, furniture, provided all activity and storage is within a completely enclosed building.
5. Other uses.
- a. Accessory buildings.
 - b. Churches and places of worship.
 - c. Day care center, if the drop off or outdoor play area is more than one hundred (100) feet from a residential district.
 - d. Personal wireless service facilities; minor, subject to the requirements of sections 1.906, 3.100 and 7.200.
 - e. Temporary buildings for uses incidental to construction work, to be removed upon completion or abandonment of construction work.
- B. *Uses permitted by a conditional use permit.*
- 1. Adult uses (see section 1.403 for criteria).
 - 2. Amusement park.
 - 3. Automated carwash.
 - 4. Automobile rental or leasing (see section 1.403 for criteria regarding outdoor vehicular display).
 - 5. Automobile sales, new (see section 1.403 for criteria regarding outdoor vehicular display).
 - 6. Automobile sales, used (see section 1.403 for criteria regarding outdoor vehicular display).
 - 7. Automotive repair, excluding body and paint shops (see section 1.403 for criteria regarding

outdoor vehicular display).

8. Big box. Any single retail space (limited to permitted retail uses in this C-3 district) with a building footprint of equal to or greater than seventy-five thousand (75,000) square feet, if:
 - a. Primary access is on a local residential street; or
 - b. Residential zoned property is located within one thousand three hundred (1,300) feet of the Big box property line (except residential zoned properties separated from the Big box by the Pima Freeway or developed with non-residential uses).

However, Big box is not permitted in the Environmentally Sensitive Lands Supplementary District.

For Use Permit Provisions and Criteria, See Section 1.403.

9. Boat sales (see section 1.403 for criteria regarding outdoor vehicular display).
10. Bus station, excluding overnight parking and storage of buses.
11. Commercial parking lot.
12. Community buildings and recreational facilities not publicly owned.
13. Day care center, if the drop off or outdoor play area is within one hundred (100) feet of a residential district (see section 1.403 for criteria).
14. Drive-in theater.
15. Equipment sales rental and storage yard (see section 1.403 for criteria regarding outdoor vehicular display).
16. Funeral home and chapel.
17. Game center.
18. Gasoline service station (see section 1.403 for criteria).
19. Health studio.
20. Live entertainment (see section 1.403 for criteria).
21. Miniature golf course.
22. Motorcycle sales (see section 1.403 for criteria regarding outdoor vehicular display).
23. Outdoor sales display area.
24. Personal wireless service facilities; major, subject to the requirements of sections 1.400, 3.100 and 7.200.
25. Pool hall.
26. Recreational vehicle and camper sales (see section 1.403 for criteria regarding outdoor vehicular display).

27. Residential health care facility (see section 1.403 for criteria).
28. Sports arena.
29. Teen dance center (see section 1.403 for criteria).
30. Tire store excluding retreading.
31. Unoccupied recreational vehicle storage.
32. Upholstery shop, automotive.
33. Internalized community storage (see section 1.403 for criteria).
34. Restaurant with associated microbrewery with limited wholesale and retail sales of the brewed product, where the floor area utilized for brewing, bottling and/or packaging occupies no more than thirty (30) percent of the floor area of the establishment.
35. Seasonal art festival.

(Ord. No. 1851, § 1, 11-5-85; Ord. No. 1971, § 1, 8-4-87; Ord. No. 2232, § 1, 6-6-89; Ord. No. 2311, § 1, 6-21-90; Ord. No. 2394, § 1, 9-16-91; Ord. No. 2430, § 1, 1-21-92; Ord. No. 2620, § 1, 8-2-94; Ord. No. 2831, § 1, 9-19-95; Ord. No. 2858, § 1, 12-5-95; Ord. No. 3048, § 2, 10-7-97; Ord. No. 3034, § 1, 11-4-97; Ord. No. 3103, § 1, 1-6-98; Ord. No. 3225, § 1, 5-4-99; Ord. No. 3394, 6-19-01)

Editors Note: Ordinance No. 1851 added "teen dance center" to paragraph B above. Such ordinance did not number the subparagraphs. Numbers have been editorially supplied for consistency.

Sec. 5.1504. Property development standards.

The following property development standards shall apply to all land and buildings in the C-3 district:

- A. *Floor area ratio.* In no case shall the gross floor area of a structure exceed the amount equal to eight-tenths multiplied by net lot area in square feet.
- B. *Volume ratio.* In no case shall the volume of any structure exceed the product of the net lot area in square feet multiplied by 9.6 feet.
- C. *Open space requirement.*
 1. In no case shall the open space requirement be less than ten (10) percent of the net lot area for zero (0) feet to twelve (12) feet of height, plus four-tenths percent of the net lot for each foot of height above twelve (12) feet.
 2. Open space required under this section shall be exclusive of parking lot landscaping required under the provisions of article IX of this ordinance.
- D. *Building height.* No building shall exceed thirty-six (36) feet in height, **EXCEPT THAT A BUILDING WITH A HEIGHT NOT TO EXCEED SIXTY-FIVE (65) FEET MAY ONLY BE ADDED ABOVE THE PORTION OF THE EXISTING BUILDING GENERALLY ABOVE THE PUBLIC LOBBY, BAR AND RESTAURANT AREAS AS SHOWN ON THE ORIGINAL 1956 VALLEY HO PLANS, AND** except as otherwise provided in article VI or article VII.
- E. *Density.*
 1. Hotels, motels, and timeshare projects shall provide not less than ten (10) guest rooms and/or dwelling units with a minimum gross land area of one thousand (1,000) square

feet per unit.

F. *Yards.*

1. Front Yard.

- a. No front yard is required except as listed in the following three (3) paragraphs and in article VII hereof, unless a block is partly in a residential district, in which event the front yard regulations of the residential district shall apply.
- b. A minimum of ~~one-half (1/2)~~ **ONE QUARTER (1/4)** of the open space requirement shall be incorporated as frontage open space to provide a setting for the building and a streetscape containing a variety of spaces.
- c. Where parking occurs between a building and the street a yard of ~~thirty-five (35)~~ **ZERO (0)** feet in depth shall be maintained. ~~This depth may be decreased to a minimum of twenty (20) feet subject to Section 10.402.D.3.~~

2. Side Yard.

- a. A side yard of not less than fifty (50) feet shall be maintained where the side of the lot abuts a single-family residential district or abuts an alley which is adjacent to a single-family residential district. The fifty (50) feet may include the width of the alley.
- b. A side yard of not less than twenty-five (25) feet shall be maintained where the side lot abuts a multiple-family residential district. The twenty-five (25) feet may include any alley adjacent to the multiple-family residential district.

3. Rear Yard.

- a. A rear yard of not less than fifty (50) feet shall be maintained where the rear lot abuts a single-family residential district or abuts an alley which is adjacent to the single-family residential district. The fifty (50) feet may include the width of the alley.
- b. A rear yard of not less than twenty-five (25) feet shall be maintained where the rear lot abuts a multiple-family residential district. The twenty-five (25) feet may include any alley adjacent to the multiple-family residential district.

4. All operations and storage shall be conducted within a completely enclosed building or within an area contained by a wall or fence as determined by Development Review [Board] approval or use permit.

5. Other requirements and exceptions as specified in article VII.

(Ord. No. 1840, § 1, 10-15-85; Ord. No. 2818, § 1, 10-17-95)

Sec. 5.1505. Off-street parking.

The provisions of article IX shall apply.

Sec. 5.1506. Signs.

The provisions of article VIII shall apply.

legislativetextamend2



Q.S.
16-44

G.I.S. ORTHOPHOTO 2000

Valley Ho

7-ZN-2002#2

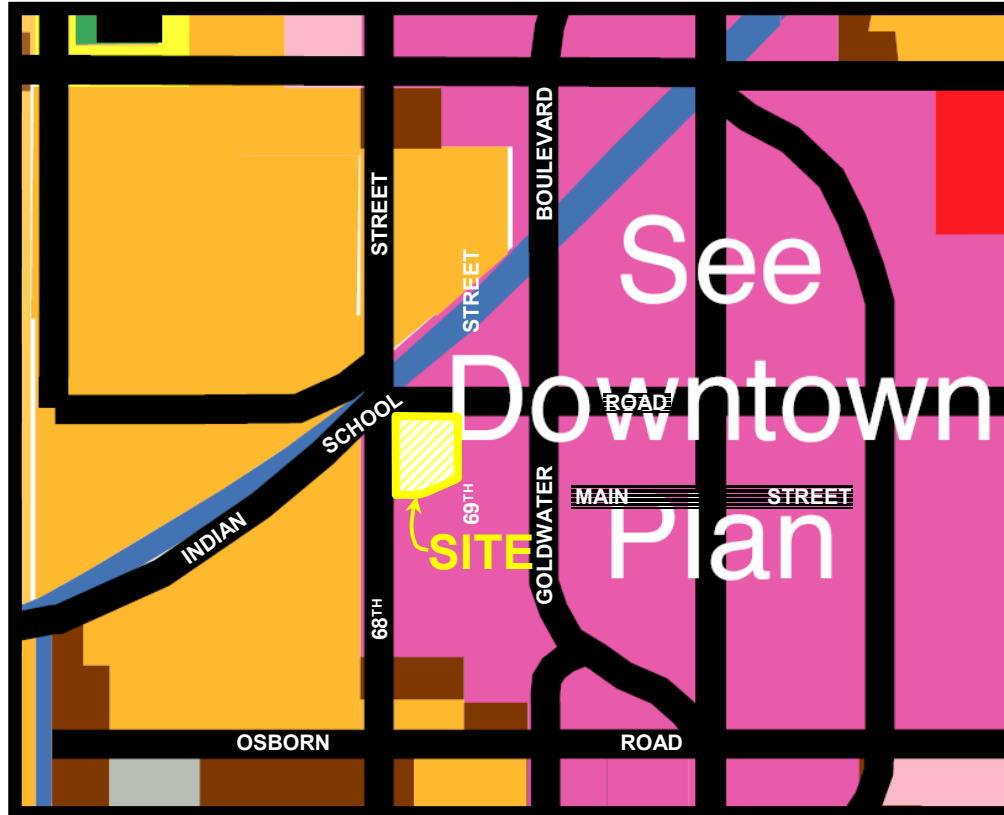
ATTACHMENT #3



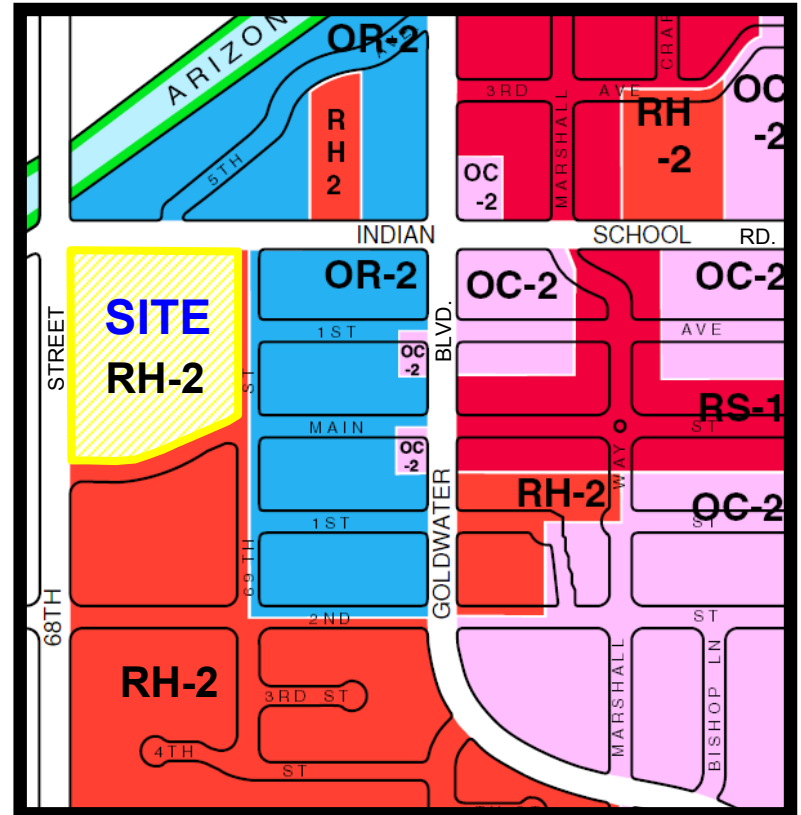
Hotel Valley Ho Context Aerial and Existing Site Plan















ATTACHMENT 4.









GENERAL PLAN






DOWNTOWN PLAN



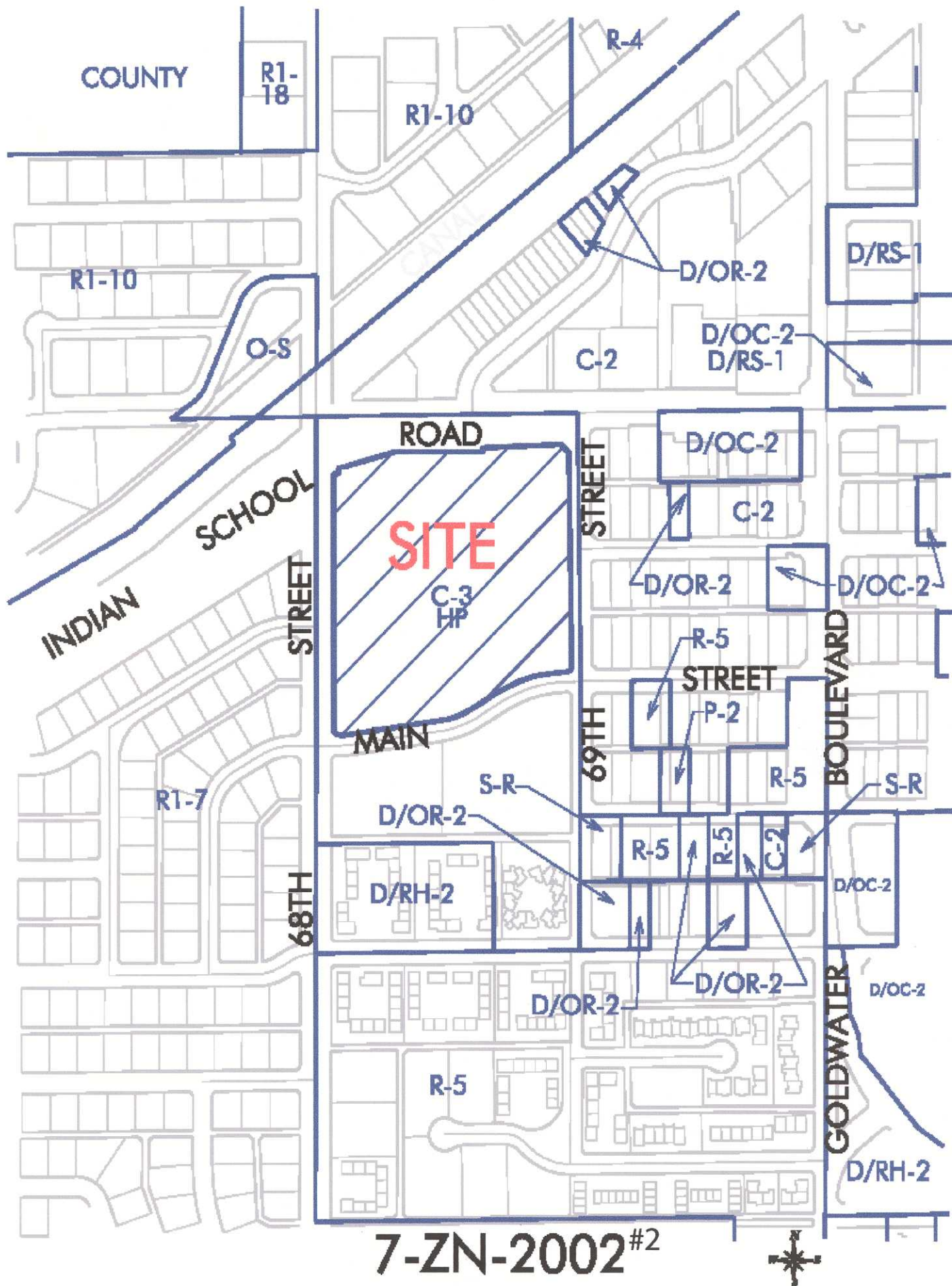
- | | | | |
|---|-------------------------|---|--|
|  | Rural Neighborhoods |  | Commercial |
|  | Suburban Neighborhoods |  | Office |
|  | Urban Neighborhoods |  | Employment |
|  | Mixed-Use Neighborhoods |  | Natural Open Space |
|  | Resorts/Tourism |  | Developed Open Space (Parks) |
|  | Shea Corridor |  | Developed Open Space (Golf Courses) |
|  | Mayo Support District |  | Cultural/Institutional or Public Use |
|  | Regional Use District |  | State Trust Lands under State Land Commissioner's Order #078-2001/2002 |

- | | | | |
|---|--------------------|---|----------------------------|
|  | Retail Specialty |  | Residential/Hotel |
|  | Office Commercial |  | Regional Commercial/Office |
|  | Civic Center |  | Residential High Density |
|  | Office Residential |  | Medical |

- | | |
|---|---|
|  | McDowell Sonoran Preserve (as of 3 /2002) |
|  | Recommended Study Boundary of the McDowell Sonoran Preserve |
|  | City Boundary |



7-ZN-2002#2
ATTACHMENT #5



STIPULATIONS FOR CASE 7-ZN-2002#2

PLANNING/ DEVELOPMENT

1. CONFORMANCE TO SITE PLAN. Development shall conform with the site plan submitted by *Allen + Philp Architects titled "Composite Site Plan Worksheet" and dated January 30, 2003.* These stipulations take precedence over the above-referenced site plan. Any proposed significant change, as determined by the Zoning Administrator, shall be subject to subsequent public hearings before the Planning Commission and City Council.
2. *Before the issuance of building permit for Phase II, the developer shall provide information that verifies parking provided for Phase II of the Hotel Valley Ho is adequate per the City of Scottsdale Zoning Ordinance, to the satisfaction of Plan Review and Permit Services staff.*
3. *Prior to the issuance of a building permit for this project, the developer shall submit a preliminary art plan and schematic design, which identifies location, type and approximate scale of the proposed artwork, to the satisfaction of City Staff.*

[illegible]

PARKING SPACES	
SEE COMPOSITE FLOOR PLAN WORKSHEETS	
PARKING SPACES REQUIRED	
GROUND LEVEL	177 (INCL. PHASE II)
SECOND LEVEL	87 (INCL. PHASE II)
THIRD LEVEL	22
FOURTH LEVEL	22
FIFTH LEVEL	22
SIXTH LEVEL	22
TOTAL	352
PARKING SPACES PROVIDED	
PROVIDED ON-SITE	122
PROVIDED OFF-SITE	272
TOTAL SPACES PROVIDED	394

BUILDING HEIGHT
REFERENCE ELEVATION
68TH ST. "MEAN CURB HEIGHT" + 1 FT. = 1,270.10 FT.
ALLOWABLE BUILDING HEIGHT
1,270.10 FT. + 35 FT. = 1,306.10 FT.
BUILDING FLOOR ELEVATION - 1,267.60 FT.
BUILDING HEIGHT (ROOF COPING) - 1,334.10 FT.

OPEN SPACE
64.0 FT. - 12 FT. = 52.0 FT. (0.4%) = 20.8% + 10% = 30.8%
NET LOT AREA - 400,260 SF (0.308) = 123,265 SF
OPEN SPACE REQUIRED - 123,265 SF
OPEN SPACE PROVIDED - 209,720 SF

FRONT OPEN SPACE
OPEN SPACE REQ. - 123,285 SF (0.5) = 61,640 SF
FRONT OPEN SPACE REQUIRED - 61,640 SF
FRONT OPEN SPACE PROVIDED - 44,000 SF
REQUIRED REDUCTION = 17,640 SF

ON-SITE PARKING LOT LANDSCAPING SUMMARY

TOTAL PARKING LOT AREA:	37,405 SF
TOTAL LANDSCAPE AREA REQUIRED:	5,610 SF
TOTAL INTERIOR LANDSCAPE AREA REQUIRED:	1,870 SF
TOTAL INTERIOR LANDSCAPE AREA PROVIDED:	3,005 SF
TOTAL PERIMETER LANDSCAPE AREA PROVIDED:	10,235 SF
TOTAL LANDSCAPE AREA PROVIDED:	13,240 SF

ON-SITE PARKING LOT LANDSCAPING
PARKING LOT AREA: 21,630 SF
TOTAL LANDSCAPE AREA REQUIRED: 3,245 SF
INTERIOR LANDSCAPE AREA REQUIRED: 1,082 SF
INTERIOR LANDSCAPE AREA PROVIDED: 2,060 SF
PERIMETER LANDSCAPE AREA PROVIDED: 6,790 SF
TOTAL LANDSCAPE AREA PROVIDED: 8,850 SF

1 PHASE II BUILDINGS
INCLUDED IN CALCULATIONS

GROSS FLOOR AREA (SQUARE FEET)							BUILDING VOLUME (CUBIC FEET)	
GROUND LEVEL	SECOND LEVEL	THIRD LEVEL	FOURTH LEVEL	FIFTH LEVEL	SIXTH LEVEL	PROJECT SUMMARY		
HOTEL/CONFERENCE BLDG. 30,450	HOTEL/CONFERENCE BLDG. 12,600	HOTEL/CONF. BLDG. GUEST RMS. 12,340	HOTEL/CONF. BLDG. GUEST RMS. 12,340	HOTEL/CONF. BLDG. GUEST RMS. 12,340	HOTEL/CONF. BLDG. GUEST RMS. 12,340	GROUND LEVEL TOTAL	78,660	
GUEST ROOM WING #1 9,580	GUEST ROOM WING #1 9,160					SECOND LEVEL TOTAL	55,740	
GUEST ROOM WING #2 4,200	GUEST ROOM WING #2 4,200					THIRD LEVEL TOTAL	12,340	
GUEST ROOM WING #3 7,880	GUEST ROOM WING #3 7,360					FOURTH LEVEL TOTAL	12,340	
GUEST ROOM WING #4 2,030	GUEST ROOM WING #4 2,030					FIFTH LEVEL TOTAL	12,340	
POOL, SPA BLDG. PHASE 2 17,900	GUEST ROOM WING #5 8,335 PHASE 2					SIXTH LEVEL TOTAL	12,340	
GUEST ROOM WING #6 9,860 PHASE 2	GUEST ROOM WING #6 8,335 PHASE 2					ABOVE GROUND TOTAL	183,760	
POOL, SPA BLDG. 600						BASEMENT TOTAL	5,000	
GROUND LEVEL TOTAL 78,660	SECOND LEVEL TOTAL 55,740	THIRD LEVEL TOTAL 12,340	FOURTH LEVEL TOTAL 12,340	FIFTH LEVEL TOTAL 12,340	SIXTH LEVEL TOTAL 12,340	PROJECT TOTAL	183,760	
						BASEMENT	62,400	
						GROUND THRU SIXTH LEVEL	1,916,620	
						GUEST ROOM WING #1	82,400	
						GUEST ROOM WING #2	82,400	
						GUEST ROOM WING #3	82,400	
						GUEST ROOM WING #4	42,940	
						GUEST ROOM WING #5	257,120	
						GUEST ROOM WING #6	181,485	
						POOL, SPA BLDG. 600	4,600	
						1,964,620		

BUILDING VOLUME (CUBIC FEET)
HOTEL/CONFERENCE BLDG.
BASEMENT
GROUND THRU SIXTH LEVEL
GUEST ROOM WING #1
GUEST ROOM WING #2
GUEST ROOM WING #3
GUEST ROOM WING #4
GUEST ROOM WING #5
GUEST ROOM WING #6
POOL BAR BLDG.
PROJECT TOTAL

GRAPHIC KEY

OPEN SPACE PROVIDED

FRONT YARD OPEN SPACE

PARKING LOT LANDSCAPING

HOTEL VALLEY HO
REHABILITATION AP0205

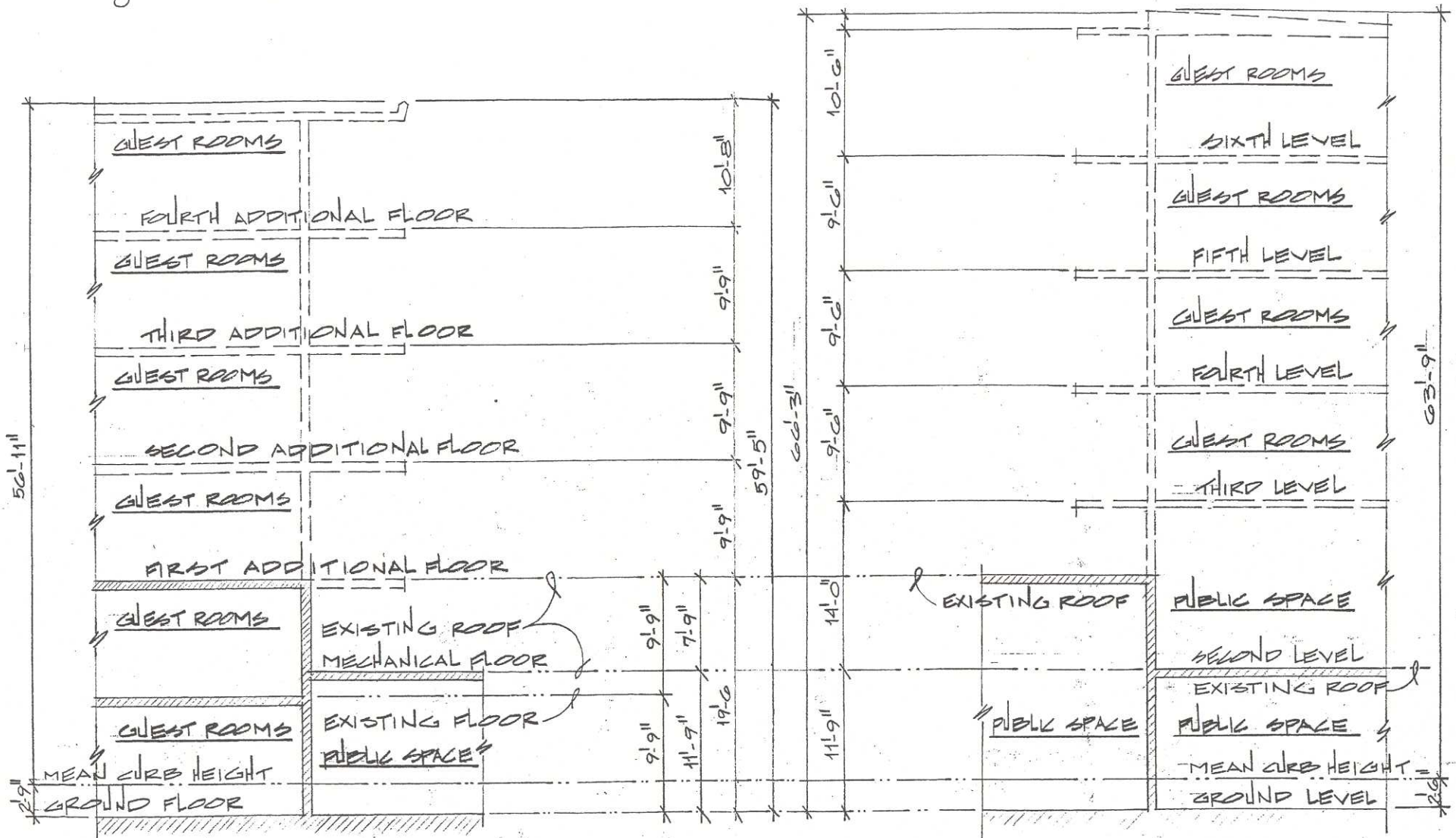
30 January 2003
Allen + Philp
architects

7-ZN-2002#2

WESTROC HOSPITALITY

CASE # 18-PA-03 ATTACHMENT

PREPARED BY ALLEN+PHILP, ARCHITECTS



Approved February 13, 2003 by Historic Preservation Commission
City of Scottsdale - Historic Preservation Program

Hotel Valley Ho Historic Preservation Plan



INTRODUCTION

It is the goal of the Scottsdale Historic Preservation Ordinance to protect and preserve those properties recognized and listed on the Scottsdale Historic Register. One of the mechanisms used to accomplish this is the development of a Historic Preservation (HP) Plan for the properties once they are designated. This plan for the Hotel Valley Hotel sets forth the objectives for the preservation of this important historic resource and identifies the procedures and support the City will utilize to achieve its goals.

The Hotel Valley Ho is located at 6850 East Main Street in downtown Scottsdale. Constructed in 1956-58, the property was listed on the Scottsdale Historic Register (SHR) in July of 2002. The historic hotel complex is nationally, regionally and locally significant with a high degree of integrity. It is historically significant for its representation of the mid-twentieth century Western regional and Arizona development of the tourism industry and Scottsdale's local development as an arts colony and tourist destination. As such, the hotel is an excellent illustration of an important tourist and recreational property type from the post WWII period. Architecturally it is significant as an intact example of the Organic Modern style of architecture and as a highly evolved architectural expression of an automobile-oriented building. The Hotel Valley Ho is also notable as one of the works of Edward L. Varney Associates, a pre-eminent architectural firm in the Phoenix metropolitan region in the postwar era. Finally, the hotel complex is considered exceptionally significant as a well-preserved, relatively rare example of the tradition of resort hotel building in areas of natural beauty. This building form used style, materials, function and imagery to reflect the

cultural identity of the region. Once widespread, today only a handful remains. The Hotel Valley Ho is one of the few intact representatives of an entire era and its architecture. Further, with the Safari Hotel's demolition in the late 1990's the Hotel Valley Ho is the only remaining postwar resort or hotel in the Valley, and conceivably, in Arizona, that has not had substantial changes to design, materials or architectural features. Of the major examples of motor hotels published in the architectural journals of 1950s, none with the prototypical nature of the Hotel Valley Ho remain today. This fact magnifies its historic and cultural value. Few buildings better represent the tremendous impact of tourism, recreation and the auto on the economy and culture that developed Scottsdale and much of the West in the second half of the twentieth century.

The goal of the Hotel Valley Ho HP plan is ensure the preservation of those character-defining features that distinguish the property and contribute to its significance. It is the further goal of this plan to assist this historic property in maintaining its economic viability and continued use as a commercial property. Through the assistance offered, the City of Scottsdale intends to demonstrate that the practical considerations associated with aging downtown properties can be addressed and both its preservation and redevelopment potential can be realized.

DESIGN REVIEW

An important component of the HP plan is the design guidelines that have been prepared to guide the “Review Process on Applications Requiring a Certificate of No Effect of Certificate of Appropriateness” as set forth in Section 6.122 of the HP ordinance. Section 6.122 represents the public action to regulate development that is necessary to achieve the preservation objectives of this HP plan. This regulation is not intended to prohibit alterations to the existing buildings or new development or construction within the designated historic complex. Instead it is intended to: (1) guide the work that is done so that it does not adversely affect the historic characteristics that distinguish the Hotel Valley Ho and (2) provide compatibility of the new with the old. Further the regulation is limited to exterior work only.

DESIGN REVIEW PROCESS

When a building permit is sought to do exterior work within the designated portion of the Hotel Valley Ho complex, the Development Services Director will refer the request to the City’s HP Officer to determine if the work requires a Certificate of No Effect or a Certificate of Appropriateness (C of A). If the “C of A” is required and when the Development Review Board approval is also necessary, the HP Officer and the Zoning Administrator will confer to determine whether the preservation of historic character or development aspects of the proposed project dominates. In making this determination the following factors will be considered: (1) Do the HP Design Guidelines for the property specifically address the work proposed; and/or (2) the additional amount of lot coverage resulting from the proposed project; and/or (3) the percentage of building square footage

being added; and/or (4) the percentage of the existing building foot print that is affected by the proposed work.

For those cases reviewed by the Historic Preservation Commission, the decisions of appropriateness will be made in accordance to the following principles that have evolved over time and reflect the accepted standards for historic preservation work today. This philosophical approach should be used in planning and undertaking work on the Hotel Valley Ho:

Understand the Character-Defining Features

Historic properties have specific physical characteristics that enable them to convey their association with historic events and people, illustrate historic building types, periods or methods of constructions and give them distinctive visual character. These features should be retained as part of any planned work, so as to not diminish the property’s significance.

Preserve, Protect and Maintain

The identified character-defining features should be protected and maintained. Performing regular maintenance and upkeep is encouraged. This work will lessen the likelihood of the buildings needing major repairs or expensive replacement of features

Repair

When character-defining features or materials become damaged or worn, repair should be done with the least degree of intervention possible. Repair should begin with patching and move to limited replacement in kind with matching materials and/or finishes.

Replacement

It is preferable to repair rather than replace but when a feature is missing or the level of deterioration precludes repair, then replacement may be appropriate. Replacement should be with matching or compatible materials and repeat the original design. Features replaced or reconstructed should be reproduced according to physical evidence or archival documentation on its historic appearance.

Character-defining physical features that distinguish the Hotel Valley Ho:

Site Plan & Setting:

- Multiple buildings arranged randomly on a relatively flat site linked by covered and open walkways.
- Various structures, objects, site furnishing and other features related to recreational uses and resort amenities interspersed among the buildings
- Buildings and walls serve to frame and/or enclose portions of the complex's interior grounds and site features.
- The setbacks of the buildings from roadways and open space within the complex contribute to a resort-like character
- Landscaping includes turf, trees, plantings and hardscape surfaces.



Site Plan (above) showing 1956 and 1958 building layout, courtyards and landscaping. Entrance is on south. North is up.

Building Design:

- Primarily two story building heights
- 1956 building has curved plan with a rectilinear projecting wing. Other buildings are rectangular
- Strong horizontal emphasis of the building forms
- Low profile and curved treatment of building features gives the massing an organic quality
- Flat roofs with wide overhangs



Building Design Continued:

- Building stories articulated with a variety of treatments
- Prominent entry feature with vertical shaft and cantilevered overhang
- Cantilevered balconies are a strong design element
- Fixed and swiveling partitions are distinctive Modern design feature
- Distinctive geometric forms distinguish detailing



Building Materials:

- Predominance of masonry both brick and cut stone
- Glass walls and large expanses of glazing also found throughout the buildings
- Building planes have one primary material – masonry or glass
- Exterior stone work used as base or to define corners, entrances
- Continuation of flagstone floors and masonry walls link exterior areas to interior lobby
- Glass walls and panels further link public spaces and guest rooms with the outdoors
- Precast concrete with ornamental motifs used on structural support and building features throughout the complex



The following are the design guidelines that will be used by the Historic Preservation Officer and the Historic Preservation Commission in their review of applications for Certificates of No Effect or Certificates of Appropriateness for the Hotel Valley Ho related to work on the existing buildings, additions or expansions of the existing buildings and new construction and development within the designated complex:

Historic Building Rehabilitation:

1. Rehabilitation of the historic buildings must minimize alterations to the existing form, materials, finishes and detailing.
2. The character-defining features of the historic building's design, noted above, must be retained and preserved.
3. Deteriorated architectural features and exterior materials should be repaired rather than replaced. Where repair is not feasible, replacement features must match the original component in design, material, texture, color and finish.
4. Features or finishes to be reconstructed should be reproduced according to physical evidence and/or archival documentation.
5. Abrasive cleaning methods that can damage historic materials are to be avoided.
6. Mechanical, electrical, solar or other exterior equipment will be located and screened so as to minimize their visual impact on the historic buildings and setting.
7. Construction of access ramps and other accommodations for those with disabilities should be done so as to minimize the loss of historic fabric and provide reasonably convenient access without being visually intrusive.
8. Signage may be reconstructed in the original location and size as found during the building's period of historic significance.
9. Restore original textures and materials wherever possible.



Additions:

10. Additions to the historic buildings are acceptable if they are designed and sited such that they do not obscure the historic plan and form of the existing buildings and courtyards.

11. Vertical additions to the buildings are acceptable if they (a) are constructed in conformance with the original plans and construction documents prepared for the building; or (b) continue the pattern of building on the lower levels with similar materials but with simplified forms and detailing; or (c) if they are set back from the primary facades.

12. The proportions, massing, rooflines and horizontal emphasis, as well as the pattern of openings and materials of the additions, should correspond to that found on the existing buildings.

13. Detailing on additions should be made of matching or similar materials but simplified in its design so as to be distinguishable as a product of its own time.

New Construction/Development:

14. The historic buildings must be retained as the key elements of the overall site plan and their visual prominence within the complex maintained.

15. New construction should be sited so as to continue the informal arrangement and pattern of buildings on the site.

16. The adjacent elevations of new construction should be constructed of, or sheathed in an exterior material that matches or continues the proportional pattern of the unit size of the materials on the existing buildings.

17. The solid to void pattern of the historic buildings openings and exterior walls should be repeated in the new construction.

18. New construction should not directly abut an existing historic building. However, when there is no other feasible alternative, a clear definition of the transition between the old and the new should be established and maintained. The transitional element may be distinguished by its form or the use of neutral materials that distinctly differentiates the new construction.

19. The pattern of architectural detailing found on the historic buildings may be incorporated into the new construction in a simplified or abstracted form.



City Preservation Assistance

In accordance with the provisions of Section 6.119.A.3 of the HP ordinance, the following is the plan for public action to supplement the regulation that has been formulated to provide assistance and benefits for properties designated on the Scottsdale Historic Register. This program has been developed specifically for the Hotel Valley Ho with the goal of supporting the property owner's efforts to retain its historic use as a resort hotel. It is intended to compliment the substantial private investment that has been committed for the rehabilitation of the historic buildings, functional upgrades and improvements to meet code requirements and the provision of site amenities that will enhance its highly visible location at the western entry to the Downtown.

Assistance is offered in four categories:

Technical Assistance

The focus of this assistance is to provide the property owner with information and the benefit of the City HP staff's expertise and the technical expertise of others to enable the property to take advantage of a variety of Federal and State historic preservation incentive programs.

National Register of Historic Places Nomination

City HP staff will prepare documentation and oversee the application process for listing the Hotel Valley Ho on the National Register of Historic Places. Listing on the National Register will make the property eligible for a variety of Federal and State financial incentives program. It will bring national recognition to the historic property that will assist in its promotion and marketing.

Federal Historic Preservation Tax Certification

City HP staff will prepare the application and supporting documentation required for the "Certified Rehabilitation" of the work performed as part of the rehabilitation of the historic buildings on the Hotel Valley Ho complex. Once certified, the property owner will be eligible for a tax credit of federal income tax owed in the amount of 20% of the total rehabilitation costs. The eligible costs include construction costs, architectural and engineering fees, site survey fees, development and legal fees and other construction-related expenses.

Arizona State Property Tax Reclassification Program (SPT)

City HP staff will work with the State Historic Preservation Office to enroll the Hotel Valley Ho property in the SPT commercial component program that is available for properties listed on the National Register of Historic Places. Participation in this program allows for a temporary tax classification for a ten-year period that will maintain the County Assessor's current base assessment of the property but assesses the improvements made as part of the rehabilitation at only 1% of full cash value. In return for this special tax treatment the property must be rehabilitated and maintained in conformance with the *Secretary of the Interior's Standards for Rehabilitation*.

Developmental Assistance

This category of assistance addresses the existing building conditions of the historic hotel complex and its unique situation and needs relative to the City review processes and building, zoning and development codes.

Building Permit Review

The City recognizes from the outset that there will be many challenges in rehabilitating the historic buildings of the Hotel Valley Ho to meet the standards of modern building codes. The City is committed to providing flexibility in achieving the intent of the codes by allowing equivalent life safety measures for repairs, alterations and additions to the historic buildings. The alternative methods of achieving safety utilized by the Uniform Code of Building Conservation will be considered in reviewing approaches and treatments that might be acceptable for the Hotel Valley Ho rehabilitation.

City Expedited Development Review

The review of the development and building plans for work undertaken as part of the redevelopment and rehabilitation of the Hotel Valley Ho will be expedited in accordance with City procedures for providing such a review.

Amendments to the Underlying Zoning Development Standards

Section 6.119.A.5.c of the HP Ordinance provides for the modification of the standards set in the underlying zoning district in which a designated property is located if it will assist in its preservation. Accordingly, with the approval of this HP plan the development standards for the existing zoning of C-3 Highway Commercial will be amended for the Hotel Valley Ho property as follows:

5.1504.D Building Height:

Justification for Amendment: For the operation of the hotel to be economically viable, additional guest rooms must be added to the complex. The most practical and sensitive location for the expansion to occur is by adding additional stories over the one- and two-story public area housing the lobby, lounge and restaurant. This is consistent with the original construction drawings that show this area was designed, engineered and constructed to allow for four additional floors of guest rooms. Therefore the expansion in this location is in keeping with the original design intent. Limiting the additional square footage to this one location also retains the historic arrangement of buildings and open space of the resort and preserves the historic appearance of the guest room wings. This approach to adding additional square footage also is considered the most acceptable method in keeping with the *Secretary of Interior's Standards for Rehabilitation*.

The purpose of historic preservation is to maintain the historically significant features of the property while providing for the continued evolution and economic use of the property. The existing building layout on the property is a fixed feature the owner must work with and around. This limits the development opportunities of the property. Additional building height in the location proposed achieves both objectives for the property.

Proposed Amendment: Maximum height will be extended from thirty-six (36) feet to sixty-five (65) feet to allow for the expansion to occur while minimizing the impact on the Hotel Valley Ho's character-defining features.

5.1504.D Frontage Open Space:

Justification for Amendment: Although the hotel complex as a whole meets the City's open space requirements, there is not sufficient open space along the property's frontage. It should be recognized that the existing conditions on the site are part of its historic character and the current arrangement of the physical elements including the existing buildings, parking locations and open spaces, contributes to the property's significance. Consequently, the current requirement that a minimum of one-half (1/2) of the open space requirement be incorporated as frontage space should be modified to reflect the percentage of frontage open space that existed historically on the site

Proposed Amendment: Required frontage open space on the Hotel Valley Ho should be reduced to one-quarter (1/4) of the open space requirement.

5.1504.F.1.c Parking Setback:

Justification for Amendment: It should be recognized that the existing conditions on the site are part of its historic character and the current arrangement of the physical elements including the existing buildings, parking locations and open spaces, contributes to the property's significance. Consequently, the current requirement that a yard of thirty-five (35) feet in depth shall be provided between parking and the street should be modified to reflect the existing arrangement of the parking locations.

Proposed Amendment: Requirement for thirty-five (35) feet yards between parking and the street be modified to allow existing parking and setbacks to remain.



Attachment: Original and Proposed Addition Intent
Comparison, Prepared by Allen + Philp, Architects

Financial Incentives

The construction costs associated with the redevelopment of the historic motor hotel resort complex are estimated to be approximately \$45 million. Of that amount \$18 million will be used to rehabilitate the three historic buildings to meet current safety and accessibility codes and provide needed functional upgrades. Additionally the proposed approach of preserving the existing buildings and continuing to use the existing hotel rooms will limit the size of the hotel complex, which in turns affects the returns that can be generated. Understanding the economic issues associated with the preservation of this important historic property is key to developing City support for the project which will help it maintain its commercial viability.

In recommending appropriate measures, it has been recognized that the rehabilitation of the Hotel Valley Ho will help the City achieve a number of community redevelopment and economic objectives. It will rejuvenate an aging area of the downtown while maintaining its historic character. As a boutique hotel with a distinctive appearance and wide array of services and amenities, it will expand the range of accommodations available in downtown Scottsdale for the business and leisure travelers. As a restored historic hotel, it will draw the cultural heritage tourist, one of the fastest growing and most lucrative segments of the tourist market. Once reopened and operating as projected, the Hotel Valley Ho will generate bed tax revenues for the City at greater levels than it has ever provided in the past, even after calculating the amount represented by the proposed City financial incentives.

While there will be numerous benefits that will be derived from the preservation and continued use of the Hotel Valley Ho, it should be acknowledged that given the project costs, the investment returns will be marginal. It is only through the combined Federal, State and proposed City financial incentives that the project is at all feasible. The City of Scottsdale's participation in this important public-private partnership will help ensure the economic viability of this undertaking and tangibly demonstrate the City's support for the preservation and reuse of historic properties.

With the adoption of this plan, City will execute the necessary agreements to acquire agreed upon public improvements and a "Deed of Preservation Easement" for the portion of the Hotel Valley Ho designated with an HP overlay zone. To fund this acquisition the City will reinvest in the property:

- (1) The amount of the building permitting and development fees that are typically charged as part of the construction and redevelopment work, and
- (2) Through a rebate of the amount of the incremental increase in the sales tax generated by the property prior to rehabilitation. The terms and conditions of this rebate will be set forth in a development agreement to be executed upon the adoption of the plan; and
- (3) A rebate of the incremental increase of the City's General Fund portion of the annual bed tax revenues generated by the property prior to rehabilitation. The terms and conditions of this rebate will be set forth in a development agreement to be executed upon the adoption of the plan.



rehabilitation project for awards, such as the Arizona Heritage Award.

National Historic Hotels Program Affiliation

Staff will assist in affiliating the Hotel Valley Ho with the National Trust for Historic Preservation's Historic Hotels program.

Brochures

The Hotel Valley Ho will be included in promotional and marketing materials prepared by the City and the Scottsdale Historical Society on the properties listed on the Scottsdale Historic Register.

Promotion

Publicity

Working with writers who focus on historic preservation, design and tourism, City staff will assist in the development of articles and press about the Hotel Valley Ho for local, state and national publications.

Events

To celebrate the listing of the Hotel Valley Ho on the National Register of Historic Places as a property of exceptional significance, the HPC will host an event and tour of the property to coincide with its reopening. This will help increase local awareness and appreciation for its significance.

Awards

City HP staff will assist in gaining recognition for the Hotel Valley Ho preservation efforts by nominating the



Section 6.119. Historic Preservation Plan

- A. Before or within a reasonable time, as determined by the Historic Preservation Officer, following City Council approval of the HP District designation for an historic resource, the applicant and the Historic Preservation Officer shall prepare an Historic Preservation Plan. Such a plan shall:
1. Identify the geographical location of the HP District, and
 2. Specify the objectives concerning the development or preservation of buildings, sites, objects, structures and landmarks within the HP District, and
 3. Formulate a program for public action including the provision of public facilities and the regulation of private development and demolition necessary to realize these objectives, and
 4. Describe any plans for public access and visitation of the property, including any planned participation in a cultural heritage tourism program, and
 5. Set forth standards necessary to preserve and maintain the historical character of the historic resource. These standards shall include design guidelines that shall apply only to the exterior features of the historic resource.
 - a. Each Historic Preservation Plan shall include a general set of standards, reflecting the overall character of the HP District, which shall be used by the Historic Preservation Commission and staff to review applications for the certificates required within the HP District.
 - b. When the HP District involves single family residences, the Historic Preservation Plan may include a development agreement and/or a preservation easement.
 - c. Upon approval by the City Council, an Historic Preservation Plan may include a specific set of design guidelines that modify the standards set in the underlying zoning district. If any of these provisions are to be contained in design guidelines for an HP District, the guidelines shall be approved according to the procedures for establishing HP Districts, including the public hearing processes before the Planning Commission and the City Council. In the alternative, this specific set of guidelines may be made part of the ordinance establishing the District and placing overlay HP District zoning on the property.
- B. The Historic Preservation Plan must be approved by the Historic Preservation Commission, which may approve or modify the plan proposed by the applicant or the Historic Preservation Officer. The plan approved by the Commission is final unless within twenty (20) days of the date of the approval either the City Council initiates review of the plan or the applicant appeals the Historic Preservation Plan to the City Council. The applicant shall file an appeal with the City Clerk and shall include in the appeal request a brief Statement of the grounds of the appeal and the relief requested.
- C. The City Council shall have the right and prerogative to initiate its own review of any Historic Preservation Plan approved by the Historic Preservation Commission. Such a review must be initiated within twenty (20) days of the Historic Preservation Commission's approval of the Historic Preservation Plan. Notice of such Council-initiated review of any plan approved by the Historic Preservation Commission shall be given to the applicant and the Historic Preservation Officer by the City Clerk within ten (10) days after the Council votes to initiate a review of the Plan.
- D. The City Clerk shall schedule the appeal for a City Council agenda not more than forty (40) or less than fifteen (15) days following submittal of the appeal. The City Council at its meeting shall uphold, modify, or remand for further consideration the plan approved by the Commission. The decision of the City Council shall be final.

Scottsdale Historic Preservation Commission
Historic Significance and Integrity Assessment Report

Proposed Listing on the Scottsdale Historic Register for

Hotel Valley Ho

6850 E. Main Street, Scottsdale, Arizona

Scottsdale Historic Register Application No. SHR –02-1

Zoning Application No. **7-ZN-2002**

Background

An intensive survey of downtown Scottsdale was conducted by the City's Preservation Division staff with assistance from Arizona State University interns, local historians and architects during the period 2000-2001. The goal of the survey was to identify those properties that might be eligible for listing on the Scottsdale Historic Register. Approximately 750 properties, built for commercial use, were studied with particular emphasis on those properties that related to Scottsdale historic development as an "Arts Colony and Tourist Destination." The Scottsdale Historic Preservation Commission and the members of the Commission's Historic Register Committee periodically reviewed the research collected and conducted field studies of the survey properties. Their relative significance and integrity were analyzed and compared. As a result of this effort, approximately fourteen other individual properties and two collections of buildings were identified that merited further consideration for designation to the Scottsdale Historic Register for their association with important historic events and representation of the architectural influences that shaped Scottsdale development during the post World War II era. The Hotel Valley Ho was among those properties that were identified as having both historic and architectural significance and a high degree of integrity.

Description

The Hotel Valley Ho is a historic resort hotel complex located on 8.86 acres at the southeast corner of Indian School Road and 68th Street in Scottsdale, Arizona. The site is at the western edge of downtown Scottsdale's 5th Avenue and Old Town shopping districts. The complex buildings are located on the north side of East Main Street, between 68th and 69th Streets. The three original buildings of the complex were constructed between 1956 and 1958. These are listed under Maricopa County Assessor parcel #130-11-089A. The buildings on a smaller parcel on the south side of East Main Street that are also part of the current hotel complex are not proposed for designation and were constructed later as a separate hotel.

The Modern style complex is characterized by a random arrangement of buildings across a relatively flat site. The property boundaries lack definition and the horizontal forms and use of concrete, brick, stone, and glass materials in the original buildings further reflect the organic quality of the complex. The Hotel Valley Ho has continually operated as a resort hotel since opening in 1956. Its largest building, with an entry off Main Street, contains the original lobby, bar, and restaurant. Guest rooms also open off single corridor wings and frame a landscaped interior area with patios and a pool. Two additional buildings in the same style and materials as the original structure were constructed to the northwest within two years of the resort's opening, and contain additional guest rooms.

The complex is within walking distance of Scottsdale's major downtown shopping areas. Grass expanses and traditional landscape features create a resort-like setting, which is further emphasized by the buildings' setback from the roadways and open spaces with pathways between structures. Traditional resort amenities complement the setting and include tennis courts, pool, and an outdoor dining patio. Surface parking is adjacent to three of the property's northern parcel boundaries, located between the roadways and resort buildings.

The original 1956 building is a free flowing, single and double story parabolic form with a strong horizontal emphasis. Its Main Street entry is marked by a vertical mass that contains an elevator shaft and extends over the porte cochere where guests arrive. A low ceiling entrance opens to a large volume interior lobby space, a feature used frequently by architect Frank Lloyd Wright to create a “sense of arrival” upon entering the building. The flat roof is made of heavy poured concrete with wide overhangs. Concrete pillars that extend to the basement provide decorative support for the building structure. The original exterior walls are constructed of masonry materials including desert stone and brick. The use of organic materials repeats inside where redwood ceilings and stone floor and wall patterns link the exterior entry area with the inside lobby space. Modern architectural features also include use of glass walls and glazing uniting indoor public spaces and guest rooms with the outdoors. Floating partition walls separate outside guest patios. Cantilevered balconies are another prominent design element. Special façade details include over one mile of precast geometric concrete panels designed in a motif described in newspaper accounts of the day as “Southwestern,” and “Indian”. Geometric metal forms also ornament the stair railings and roof eaves.

Two additional buildings with guest rooms were constructed in 1958 at the northwest corner of the property. These structures are two story, rectilinear forms sited parallel to each other, with double loaded rooms opening onto a central corridor. Like the original building, the concrete roofs are flat and their exterior walls use just a single material on any one surface, a tenant of modern design. These are constructed with the same brick, desert stone, and glass materials found on the main building. Precast concrete panels are also repeated on the balconies of the 1958 buildings.

History

The Hotel Valley Ho was built between 1956 and 1958 during the heyday of Scottsdale’s development as a major tourist destination. The decade after World War II had seen the expansion of a wide array of accommodations to lure vacationers and seasonal residents and by the mid fifties the area was well known as an arts colony with first-rate tourist amenities. These larger development patterns are fully described in a separate context statement.

The Hotel Valley Ho was built to be one of Scottsdale’s finest modern hotels, competing alongside the glitzy and well-known Safari and Mountain Shadows resorts. Scottsdale’s Safari Resort was demolished in the 1990s. When the Valley Ho opened for business in 1956 it was Scottsdale’s first European plan, year round hotel. The resort advertised large rooms and suites with private sun decks and individual snack-bar kitchens. It utilized distinctive masonry, concrete and expanses of glass that were features reflective of mid-twentieth century Modern architecture. In anticipation of future expansion, the original design of the structures included features such as an elevator shaft and a structural system that could support additional building mass. The design of the hotel’s grounds and its distinctive buildings was the work of Edward L. Varney and Associates, one of the most prominent local architectural firms of the period. The construction and operations of the complex was overseen by a well-known local hotelier, Bob Foehl and his wife, Evelyn. A contest was announced in March of 1956 to find a name for the property that had a “westward flavor, was easy to pronounce and had a relationship to the general area in which it was being erected.” The winning entry was selected because it typified Scottsdale’s location at the threshold of Paradise Valley, tied the new hotel to its parent, the Westward Ho Hotel in Phoenix, and had a melodious sound. Under the Foehl’s management, the Hotel Valley Ho attracted celebrities and other clientele that they had met through their resort operations in California. Becoming popular with the rich and famous almost immediately, Hollywood stars Natalie Wood and Robert Wagner held their wedding at the hotel in December 1957. Motorola also helped sustain early operations at the Hotel Valley Ho by housing many of its new employees there while they looked for permanent homes. The resort soon gained a national reputation for its amenities and hospitality.

Significance

The Hotel Valley Ho is historically significant for its association with Scottsdale's development as a top rated arts colony and destination for tourists and for its modern, organic architectural style. It was the first year round resort to open up in the town and the first to employ "southwestern" architecture, bridging modern and western detailing, and expressing the cosmopolitan nature of Scottsdale. This is also the site where many celebrities and noteworthy guests stayed when vacationing in Scottsdale over the years.

The physical features of the three buildings that comprise the original complex north of Main Street are virtually unchanged from the fifties and continue to convey their historical associations. The single and double story structures have a strong, free flowing horizontal emphasis with flat, precast concrete roofs and wide overhangs. Cantilevered balconies and guest patios separated by floating walls open up through glass to outside spaces around the pool and resort grounds. The use of organic materials including desert stone and brick as well as precast concrete panels are very reminiscent of modern Frank Lloyd Wright inspired buildings and provide a distinctive identity.

The complex maintains a high level of integrity in all aspects of location, design, setting, materials, workmanship, feeling, and association. The buildings are in their original location and retain their organization of space as a physical manifestation of their historic and long-standing use as a resort hotel. The organic design and materials are characteristic of mid-century modernism and are distinctive original building features. The Hotel Valley Ho's significance at both the local and national levels has been confirmed by Alan Hess, a well-known architectural critic, author and historian, who proposes that the complex might be the best remaining intact example of a modern fifties resort in the country (See Attachment #12).

Recommendation

Based upon this information, it is recommended that the HP Commission:

Approve a recommendation to the City Council to apply HP overlay zoning and list the Hotel Valley Ho on the Scottsdale Historic Register.

CITIZEN INVOLVEMENT REPORT
Case 7-ZN-2002#2, Amended Development Standards for Historic Preservation Plan
6850 E. Main Street, Hotel Valley Ho (Ramada Valley Ho)

Numerous efforts have been undertaken to ensure that citizens and property owners understand the proposed amendments, the contents of a Historic Preservation Plan, and the review procedures. This report documents the citizen involvement efforts undertaken to comply with the requirements for a Citizen Review Plan and Report.

1. INTERESTED/POTENTIALLY IMPACTED PARTIES IDENTIFIED:

- Property Owners, Property Manager and Prospective Buyers
- Scottsdale's HPC-Historic Preservation Commission (Council-appointed)
- Scottsdale's Planning Commission (Council-appointed)
- Mayor and City Council
- Scottsdale Historical Society (Private)
- Downtown Scottsdale Partnership and past Downtown Task Force, merchants associations, architects and other citizens interested in the downtown
- Surrounding property owners and nearby businesses/tenants
- Southwest Village neighborhood HOA, and condominium boards members and owners to the to the west and south
- State Historic Preservation Office (SHPO) and National Park Service/National Register of Historic Places
- City Manager, Assistant City Managers, Downtown Coordination Team and Interested/Impacted City Staff in Other Departments

2. NOTIFICATION METHODS

- Owner Contacts: The City called and met with the owner and their architects about all HPC meetings, hearings, other study sessions, and were sent copies of agendas and/or notices. The owner discussed their plans for additional construction with staff to get reactions on whether these plans were appropriate regarding approved design guidelines and federal standards for historic properties.
- HPC Meetings: Agendas for HPC meetings are posted and sent to interested citizens. The property was placed on the agenda for several HPC meetings, study sessions and a public hearing on the HP Plan, including amended standards. The HPC held a public hearing on initiating the original HP zoning case (7-ZN-2002) and approved initiating the HP case on March 14, 2002. Notices were mailed first class to property owners within 750' of the Valley Ho for the public open houses and for the HPC, PC and CC zoning hearing.
- Open Houses: Three public open house was held by the HPC on April 25th, April 30th, and May 9th 2002 on the Valley Ho, Craftsman Court and Adobe Motor Apartment rezoning cases. The participants were very supportive of historic preservation efforts. An HPC study session was held in January 2003 on the HP Plan and amended standards and the owner sponsored an open house at the hotel on January 11, 2003.
- Historical Society: Contacted President of the Scottsdale Historical Society to speak on a board of director agenda about the proposed HP zoning cases. A letter of support was received from the President on April 22, 2002. Kept group informed on the HP Plan.
- Merchants Groups: The owner and Debbie Abele made presentations last between the Summer and this Winter to the Downtown Task Force and the Scottsdale Downtown Partnership on the downtown survey to identify historic properties, and the owner presented

information on their planned rehabilitation project and the new construction proposed. Participants were supportive of historic preservation activities.

- **Neighborhood Meetings:** Sent copies of the meeting notices to a local HOA, Southwest Village. Debbie Abele attended a Southwest Village neighborhood meeting on May 1, 2002 and described the HP zoning case and answered questions about the Valley Ho and the case. The owner has met several times with Southwest Village residents and talked with numerous owners in the condominiums to the south of this site. A tour is being conducted for Scottsdale Palm condominium owners before the PC hearing on the amended standards.
- **Posting Site/Notices/Mailings:** Zoning signs were posted at the site as required and legal notices were placed in the newspaper for the public hearings of the HPC and PC. Current Planning mailed the notices to property owners for the HPC and PC hearing. Current Planning will mail the notices for CC hearings and the date will be posted on the sign and in the newspaper after a date has been determined.
- **State/National Organization:** Met with State Historic Preservation Office about the amended standards and the location of additional stories about the lobby, bar and restaurant and discussed the National Register nomination and federal standards for rehabilitation of historic properties.
- **City Contacts:** Assistant City Manager, Planning Systems, Urban Design, Economic Vitality, and City Attorney's Office to discuss case. Took Assistant City Manager, Ed Gawf on tour of site in Fall.

3. INFORMATION ON SUBSTANCE OF HP ZONING CASES

- **Public Information Handouts:** Information on the HPC, HP zoning, HP Plans, downtown survey and other general information on the historic preservation program was provided at all open houses, meetings and hearings along with the opportunity to talk to staff and commissioners.
- **Case Information:** Media updates, internet, newspaper articles and other techniques were used to inform the public about the pending HP Plan and amended standards. Case files are available in Current Planning and Preservation for the public to inspect/review. The site was posted with the red zoning notifications signs. The owner prepared architectural drawings and a model of their plans and made this information available at public meetings and meetings with surrounding property owners.

4. ADDITIONAL OPPORTUNITIES FOR COMMENT BEFORE HEARINGS

- **Meetings:** Interested citizens can speak and comment at open houses, public meetings and public hearings of the HPC, PC or Council. The HPC also invited owner and public comment at their meetings and study sessions.
- **Inquiries/Staff Contacts:** Staff provided information on the case to the owner, prospective buyers and interested citizens in response to phone calls and at meetings. Responded to drop-ins, phone calls, e-mails, etc. from reporters and the public to answer questions about historic preservation and pending Hotel Valley Ho cases.
- **Merchants Meetings:** Staff received some positive feedback from the Downtown Task Force and Scottsdale Downtown Partnership during presentations on the downtown survey.
- **Fall Lectures:** The Scottsdale Library Advisory Board sponsored a series of three lectures titled "Post World War II American Architecture". Speakers included Alan Hess, nationally prominent architectural writer, Joan Fudala, local author of Scottsdale history and Debbie Abele, Historic Preservation Officer. The lectures were a great introduction to architecture

from the recent past and why it is important to identify and preserve significant buildings from the postwar era in Scottsdale.

- City Meetings: Talked about cases in Downtown Coordination Team and Screening Meetings, and held frequent meetings with a team of staff interested in the project and process.
- Neighbor/Owner Contacts: The owner's phone number and their architect's number have been made readily available to interested citizens on signs, notices and by staff. The owner has talked to many interested citizens by telephone and has met with numerous residents to discuss the project, the building height, and the amended standards.

5. ISSUES DISCUSSED AND COMMENTS RECEIVED

- Citizen comments over the past year at open houses, neighborhood meetings, organization meetings, and public meetings have been largely enthusiastic in support of the owner's plans to rehabilitate the historic hotel as a significant historic resource in the downtown. Some citizens have voiced specific concerns about the proposed six-story height for the portion of the historic hotel roughly in the middle of the site.
- There have been several questions about the impact of HP overlay zoning and what assistance the City can provide owners of historic properties. The specific proposals for amended development standards and financial incentives in the draft HP Plan will be considered in public hearings. The City has prepared incentives to assist the owner in preserving and maintaining this significant historic resource as recognized in the overlay HP zoning.

SUMMARY OF PUBLIC INVOLVEMENT

All the requirements of the July 2000 Citizen Review Process and zoning procedures as revised have been met. Public comments received have been in favor of the proposed rehabilitation project for the historic hotel. A variety of people have asked for information and clarification about the impacts of HP zoning, the function of the HP Plan and the amended standards. Some concerns have been voiced about the proposed 65' building height for a portion of the site over the bar and restaurant as planned in the original 1956 drawings. Condominium owners to the south of the site are pleased that the Ramada hotel buildings will be demolished and they are interested in the owner's future plans for this part of their property (not a part of the current case and review process).

To: City Staff / Don Meserve

From: Ken Allen

CC: File

Date: 2/12/03

Re: Valley Ho

• **Comments:**

In keeping with the continuing and on-going outreach to residents in the immediate area regarding progress and status of the work on the Hotel Valley Ho Rehabilitation, an Open House was held on Saturday, January 11, 2003 at the property; food and beverages were served.

At this meeting the Owners (Scott Lyon and Partners) presented the scale model and support documents regarding the planned rooms addition over the existing lobby, restaurant and bar areas (the extension of the existing structural system as planned with the original design of the building as submitted to the City); as well as an update on the process / progress relative to entitlements. They were on hand for questions throughout the meeting.

The attached sign-in sheet was made available and a number of the residents / interested parties that attended availed themselves of the opportunity to do so. Not all did however.

WELCOME TO THE HOTEL VALLEY HO

NEIGHBORHOOD UPDATE

So that we may keep you informed, please provide us with the following information:

Name	Address	E-Mail
MURRAY LYND	6840 E 7th ST #4	azlynd@aol.com
DAVID MARKS	" #16	
BENJAMIN R. LUCERE	3841 E MONTEROSA ST	MLUCERE@CS.COM
Ron/Margaret Brown	6608 E 2nd Street	WYN1867@AOL.COM
Phil & Jane Follett	6433 E. 2ND ST. 85251	jsallek@quest.net
Gerald Thomas	3517 N. Hopi Way	fjerry@sphynx.net.com
Louise Palozie	3517 N. Hopi Way - GERALDS- MOM	
MIKE & JOAN LEVY	3846 N. PUEBLO WAY	Y8EARP@aol.com
Labeula Morrow	6836 E. Main St.	
Sam & Pat Hammels	6840 E. 2nd St #13	Pat Joe HAM@AOL.COM
Katherine Weaver	7836 E Crestwood Way, S.D., 85250	Kewaver@cedaris.com
Tim & N Edwards	6705 E 1st Ave Scott 85251	kim_conway@msn.com
BRIAN TUCKER	6729 E 1st Ave. Scottsdale AZ 85251	-
TRENT CRISBARN	6711 E 1st Ave "	TRENT777@WONNET.ATI.NET
Loretta Fidler	6552 E. 6th St.	HearddkFL@aol.com
Mary Alice Daenzel	2959 N. 68th St #119 Scott 85251	madaenzel@pr.state.az.us

Grace

- For future use
- let's assemble a
- HVA Mailing list/
- Database

• Oh, & Thank you letter

to all the donors
from Scott
+ I would
be appropriate
B

Hotel Valley Ho-Neighborhood Outreach Program

Citizen Review Plan

The scope of the development program for the rehabilitation of the Hotel Valley Ho was defined before the holiday season in 2002. Shortly thereafter we initiated several meetings with the homeowners that were most active with the previous hearing process involving the abandonment of Main Street. These meetings led to an Open House on January 11th that was sponsored and communicated by the Homeowners Association to all of the residents west of 68th street. This event also included several representatives from Main Street and the residences south of the project.

The main purpose of the Open House was to familiarize the residents with the continued evolution of our plans, including the proposed Amended Development Standards to accommodate the expansion of the hotel. The scale model of the project was reviewed, and after a brief presentation, we encouraged discussions and answered questions about the project and the approval process. We have since followed up with the president of the homeowners association to make sure that they were aware of the hearing dates.

The Open House was focused primarily with the residents of the community west of the project, as the proposed vertical expansion of the hotel is in closer proximity to the western border, although approximately 250 feet from the nearest residential property.

We have committed continued communication with the neighbors and City representatives as the project progresses, including coordination of the demolition of the south buildings with the corresponding neighborhood.

Citizen Review Report

The invitation to the Open House was coordinated through Homeowner Association in a newsletter that was distributed to each homeowner (approximately 300) within the community west of 68th Street. The Open House was January 11th at 1pm and included a barbeque. The presentation was staged in the lobby of the hotel, with several aerials, site plans, floor plans and mass model.

We asked each attendant to sign in and also provided a summary of the progress that we have made to date with the Historic Designation, abandonment of Main Street, and planning and engineering efforts (see attached).

Most of the questions and comments were centered on the height and number of floors that we were proposing, the timing for the closure of Main Street, as well as our schedule for construction. There was no serious concerns expressed about any aspect of the project, and attendants as a whole were very supportive and encouraging.

Concern was expressed by a neighbor from the condominiums south of the project relative to the impact of the demolition of the buildings south of Main Street. It was agreed that a separate meeting would be arranged with their neighborhood once we had a better handle on the schedule for that work, and could better coordinate our activities.

Following the presentation, several tours were provided through the grounds of the project.

SCOTTSDALE PLANNING COMMISSION REPORT



MEETING DATE: February 26, 2003

ITEM NO. _____ GOAL: Coordinate Planning to Balance Infrastructure

SUBJECT Text Amendment to refine the latest revision to the Environmentally Sensitive Lands Ordinance (ESLO 2)

REQUEST Request to amend Ordinance 455 (Zoning Ordinance) Article III. Definitions.; Section 3.100., General.; Article VI. Supplementary Districts.; Section 6.1010. Environmentally Sensitive Lands Ordinance (ESLO).; Section 6.1011. Purpose.; Section 6.1020. Applicability of Regulations.; Section 6.1021. Applicable Districts and Conditions.; Section 6.1050. Intensity of Development.; Section 6.1060. Open Space Requirements.; Section 6.1070. Design Standards.; Section 6.1071. Design Guidelines.; Section 6.1083. Amended Development Standards.; Section 6.1090. ESL Submittal Requirements.; Section 6.1091. All Applications.; Section 6.1110. Appeals. This covers approximately 134 square miles of desert and mountain areas of Scottsdale and is located north and east of the Central Arizona Project (CAP) Canal.

11-TA-2000#2

Key Items for Consideration:

- Council requested that Staff return within 1-year, with an analysis and recommendation of how the changes incorporated into ESLO-2 are operating.
- Staff has analyzed plat and development cases and received feedback from applicants and landowners on ESLO-2's operation.
- Three public open houses were held on amendments to the Ordinance.
- Several minor modifications to the Ordinance are proposed.
- No public opposition has been received regarding the seven modifications.

Related Policies, References:

The Original Environmentally Sensitive Lands Ordinance (ESLO) was adopted on Feb. 19, 1991. 11-TA-2000, the update that became known as ESLO-2, was adopted by Council on Dec. 11, 2001.

APPLICANT CONTACT Jerry Stabley
City of Scottsdale
480-312-7872

LOCATION The Environmentally Sensitive Lands Ordinance guides development throughout 134 square miles of desert and mountain areas of Scottsdale. These areas are located north and east of the Central Arizona Project (CAP) Canal.

BACKGROUND **Zoning.**
The ESLO Overlay district places standards onto the current zoning of the site

and includes a variety of zoning districts, such as residential, commercial, industrial, and institutional. R1-43 ESL (Residential) District within the Environmentally Sensitive Lands area in an example of this type of district.

**APPLICANT'S
PROPOSAL**

Goal/Purpose of Request.

The purpose of ESLO is to identify and protect environmentally sensitive lands in the City, and to promote public health and safety by controlling development on these lands. The Ordinance requires that a percentage of each property be permanently preserved as natural open space, and that specific environmental features, including vegetation, washes, and mountain ridges and peaks be protected from inappropriate development.

The City adopted ESLO in 1991. In 2000, nine years after the approval of the Ordinance, the City Council requested a review of ESLO to ensure that the Ordinance was achieving its purpose. A two-year review process that included extensive citizen involvement followed the City Council request. The ESLO-2 Ordinance was adopted on Dec. 11, 2001 by the City Council. With the adoption of that Ordinance, City Council requested that staff conduct a 6-12 month analysis of the revisions to ESLO, and recommend changes to refine, fine tune, and clarify those revisions in order to make them more effective.

Over the course of the past year, several refinements have been suggested by staff, including:

1. **Introduce Graphics and Illustrations to Explain Ordinance**
 - Use graphics and illustrations to supplement text. Examples: boulder features, construction envelopes and NAOS locations.
2. **New Definitions (Sec. 3.100)**
 - Add or modify definitions to better explain Ordinance. Examples: flag lot, revegetation and wildland/urban interface/intermix.
3. **Allow Hillside Conservation (HC) area in Proportional NAOS Reductions (Sec. 6.1060 B)**
 - Include Hillside Conservation area (HC) with Conservation Open Space (COS) areas for allowable reductions.
4. **Clarify Building Height for Churches in R1 Districts (Sec. 6.1070 B)**
 - There has been confusion about the affect of ESLO-2 on churches. This amendment would clarify building heights for churches and places of worship, which are subject to the church criteria in each R1 district and allow building heights up to 30 feet and an additional 15 feet in height for up to 10 percent of the roof area.
5. **Include Hazard-related Criteria for DRB to consider in Hillside District (Sec. 6.1070 C 5)**
 - The Development Review Board in reviewing site plans in the Hillside District, may consider natural hazards including erosion, subsidence, boulder rolling, rockfalls, flooding, flood related mud slides, unstable slopes and landsliding relating to the site and surrounding property.
6. **Provide Refinement of ESL Landform Map Revision Process (Sec. 6.1070 D&E)**
 - Specify that the Protected Peak and Ridges Map is revised under the ESL landform map revision process.

7. Modify Site and Structure Development Design Standards (Sec. 6.1070 G)

- Clarification of high gloss finishes and addition of aluminum and galvanized steel to the list of reflective building and roof materials that need to contain a textured, matte, or non reflective surface.
- Specify that equipment appurtenant to underground facilities shall either have an exterior treatment that has a LRV of 35 percent or less, or be screened from view of adjacent properties.

Community Impact.

The proposed changes clarify the Ordinance and/or make it easier to use. Staff did not interpret the direction given by City Council to include a substantial community involvement effort that would reopen the ESLO to major changes. If evaluation of substantive aspects of ESLO is to be undertaken, a longer time frame will be required and work plan priority will need to be adjusted.

IMPACT ANALYSIS**Ordinance development information.**

Staff has reviewed development and plat cases within the ESLO area to determine which of the changes made under ESLO-2 could be refined. Staff reviewed approximately 40 DRB and 20 plat cases. Also, feedback received from applicants, landowners, and residents provided input into the analysis of the ESLO-2 Ordinance. The seven current recommendations were developed from this background work.

Schools District comments/review.

Cave Creek, Fountain Hills, Paradise Valley, and Scottsdale Unified School Districts have been notified of this application. The proposed amendments do not change zoning district boundaries, increase allowable densities or otherwise impact School Districts. No written or phone messages have been received from the School Districts.

Policy implications.

The recommended modifications to the ESLO-2 Ordinance relate to defining and simplifying the Ordinance. Recommended changes such as adding definitions, graphics and charts, including Hillside Conservation area (HC) with Conservation Open Space (COS) areas, and specifying that the Protected Peak and Ridges Map be revised under the ESL landform map revision process, provides an administrative and procedural clarification to the application of the text. The other changes such as allowable church heights, hazard criteria for DRB consideration in the Hillside District, permitted building and roof materials, and required appurtenances screening provide options and help refine policies in the Ordinance. The recommended changes are not substantive in nature but will aid in the understanding and use of ESLO-2.

Community involvement.

Three open houses have been held regarding the proposed changes to the ordinance: January 14, 2003 at Legend Trail Community Center; January 15, 2003 at La Mirada Desert Park Community Center; and January 21, 2003 at One Civic Center. A total of 62 citizens attended the 3 meetings. Prior to the open houses, 1/8th page ads were placed in the Scottsdale Tribune and Arizona

Republic, and e-mails were sent to approximately 360 people on the City's customer contact and interested persons list. A copy of the Citizen Review Plan and Report along with the sign-in and comment sheets are enclosed at Attached #3. Comments about the recommended changes have been favorable. There were some citizens who would like to see the review process expanded beyond the original scope to include: the use of building and construction envelopes, efforts to control erosion and downstream siltation of washes resulting from development, allowable building heights, building materials and colors, and screening of mechanical appurtenances.

Environmental Quality Advisory Board Input

The Environmental Quality Advisory Board met on February 19 to discuss the proposed changes to the ESL Ordinance. Public testimony from two citizens addressed concerns about drainage and perimeter walls. After hearing and deliberating on the citizen's concerns, the Board unanimously recommended approval of the draft Ordinance. They felt the ESL was already a solid Ordinance, and that the proposed changes further improved the document. They also discussed a review in two years, after more projects are completed under the 2001 revision of the Ordinance. In the Board's opinion, the data gathered from those projects will allow for a more comprehensive review.

**OPTIONS AND STAFF
RECOMMENDATION**

Description of Option A:

The Planning Commission could choose to recommend approval of the request, subject to stipulations.

Description of Option B:

The Planning Commission could choose to continue the case to obtain more information or citizen input.

Description of Option C:

The Planning Commission could choose to recommend denial of the request, finding that the proposed modifications to the Ordinance are unnecessary or do not include the changes that need to be made.

Recommended Approach:

Staff recommends approval, subject to the attached stipulations.

**RESPONSIBLE
DEPT(S)**

Planning and Development Services Department
Current Planning Services

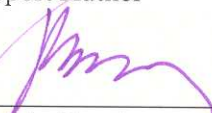
STAFF CONTACT(S)

Alan Ward
Senior Planner
480-312-7067
E-mail: award@ScottsdaleAZ.gov

APPROVED BY



Alan Ward
Senior Planner
Report Author



Randy Grant
Chief Planning Officer

ATTACHMENTS

1. Proposed Text Amendment
2. ESLO Map
3. Citizen Involvement

ENVIRONMENTALLY SENSITIVE LANDS ORDINANCE UPDATE
11-TA-2000#2 Jan 20, 2003

ARTICLE III.

DEFINITIONS

Sec. 3.100. GENERAL.

Flag lot is a lot that is narrower along the roadway frontage than at the building site and employs a long, narrow driveway and lot line configuration that extends from the roadway to the building site.

Revegetation means replacement and restoration of areas containing scarred or destroyed native vegetation through the introduction of boxed or planted native plant materials and /or comparable seed mix for the purpose of restoring NAOS (Natural Area Open Space) land, to a native condition.

Wildland/urban interface is an area where development and native desert wildland ~~fuels~~ areas meet at a well-defined boundary.

Wildland/urban intermix is an area where development and native desert wildland ~~fuels~~ areas meet with no clearly defined boundary.

ARTICLE VI.

SUPPLEMENTARY DISTRICTS

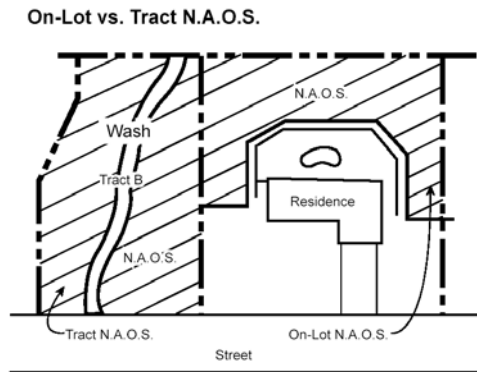
Sec. 6.1010. ENVIRONMENTALLY SENSITIVE LANDS ORDINANCE.

Sec. 6.1011. Purpose.

The purpose of the environmentally sensitive lands regulations is to identify and protect environmentally sensitive lands in the city and to promote the public health, safety and welfare by providing appropriate and reasonable controls for the development of such lands. Specifically, the environmentally sensitive lands regulations are intended to:

- A. Protect people and property from hazardous conditions characteristic of environmentally sensitive lands and their development. Such hazards include rockfalls, rolling boulders, other unstable slopes, flooding, flood-related mud slides, subsidence, erosion, and sedimentation.
- B. Protect and preserve significant natural and visual resources. Such resources include, but are not limited to, major boulder outcrops, major ridges and peaks, prime wildlife habitat and corridors, unique vegetation specimens, significant washes, and significant riparian habitats.
- C. Protect renewable and nonrenewable resources such as water quality, air quality, soils, and natural vegetation from incompatible land uses.
- D. Minimize the public costs of providing public services and facilities in ESL areas such as streets, water, sewer, emergency services, sanitation services, parks, and recreation. Costs associated with the design and development of infrastructure in environmentally sensitive areas can be higher than costs in other areas of the city due to the unique and fragile nature of such lands.

- E. Conserve the character of the natural desert landscape. Guide the location and distribution of meaningful on-lot and common tract open space and protect sensitive environmental features to sustain the unique desert character found in ESL areas.



- F. Recognize and conserve the economic, educational, recreational, historic, archaeological, and other cultural assets of the environment that provide amenities and services for residents and visitors.
- G. Assure that decisions regarding development in environmentally sensitive areas are based on complete and accurate information about the environmental conditions including drainage features and probable development impacts.
- H. Minimize the impacts of development by controlling the location, intensity, pattern, design, construction techniques, and materials of development and construction.
- I. Retain the visual character of the natural landscape to the greatest extent feasible by regulating building mass, location, colors, and materials; grading location, design and treatment; and landscaping design and materials.
- J. Maintain significant open spaces which provide view corridors and land use buffers, protect landmarks, and prime wash habitats, by preserving these features in their natural state to maintain the city's unique desert setting.
- K. Protect environmentally sensitive lands, while also recognizing the legitimate expectations of property owners and the city's overall economic goals.
- L. Encourage innovative planning, design, and construction techniques for development in environmentally sensitive areas.

(Ord. No. 2305, 1, 2-19-91; Ord. No. 3395, § 1, 12-11-01)

Sec. 6.1020. APPLICABILITY OF REGULATIONS.

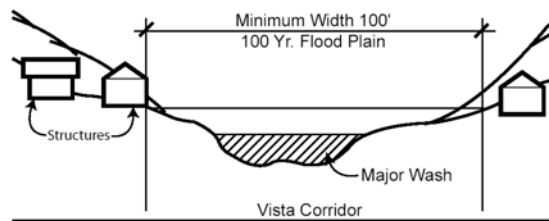
Sec. 6.1021. Applicable districts and conditions.

All underlying zoning districts, to which the ESL overlay zoning district applies, shall be identified with the suffix "ESL". To accomplish the purposes in section 6.1010, the City may apply the ESL district to lands that contain one (1) or more of the following environmental conditions:

- A. Land slopes of fifteen (15) percent or greater.
- B. Unstable slopes, which exhibit one or more of the following conditions:

1. Boulder collapse
 2. Boulder rolling
 3. Rockfalls
 4. Slope collapse
 5. Talus slopes
- C. Special features, as described in the definitions (Section 3.100) and the Protected Peaks and Ridges Map:
1. Boulder features
 2. Natural landmarks, including archaeological sites
 3. Protected peaks
 4. Protected ridges
- D. Watercourses:

1. Major watercourses
Major Washes / Flood Plains



2. Minor watercourses
- E. Exposed/shallow bedrock
- F. Undisturbed native vegetation
- G. Wildlife habitat
- H. Landform classes as indicated on the ESLO Landforms and Protected Peaks and Ridges Maps:
1. Lower desert landform
 2. Upper desert landform
 3. Hillside landform

(Ord. No. 3395, § 1, 12-11-01)

Sec. 6.1022. Exemptions and exceptions.

A. The ESL regulations shall apply to all public or private development projects within the ESL district, except as provided in sections 6.1022B. and 6.1023, exemptions. In the event of a conflict between the ESL regulations and any other provision of the Zoning Ordinance, the ESL regulations shall prevail.

B. The 12-11-2001 amendments to the ESL regulations, including amendments to the ESL Landforms and Protected Peaks and Ridges Maps, shall not apply to:

1. Property within a master-planned community that received zoning approval under the provisions of the former ESL regulations (former sections 7.800 through 7.858)
2. Platted lots within a subdivision approved under the former ESL regulations (former sections 7.800 through 7.858) or the former hillside ordinance.
3. Property that has received approval by the development review board, including approval of preliminary plats as of the effective date of these 12-11-2001 amendments.

C. Development of properties that are exempted from this ordinance is encouraged to comply with its intent.
(Ord. No. 3395, § 1, 12-11-01)

Sec. 6.1023. Hillside district exemptions.

The ESL regulations shall not apply to a development project, which was the subject of a pending application as of February 19, 1991, or development approvals under the provisions of the former hillside district, Section 6.800 through 6.810. For the purposes of this Section, "development approval" means rezoning, use permit, subdivision plat, master plan, Development Review Board, variance or building permit approval.

- A. *Applicability of hillside district regulations.* Exempt development projects shall be developed under the hillside district regulations and development standards in effect when the development project was approved, including rezoning stipulations.
- B. *Application of ESL regulations to exempt development projects.* The owner of a development project exempt under this Section may elect to develop under the ESL regulations. The election must be communicated in writing to the zoning administrator before application is made for further development approval following the effective date of ESLO (February 19, 1991).
- C. If the effect of an election to develop under the ESL regulations is to alter the densities or land uses approved under the hillside district, or changes the size or configuration of any hillside conservation (HC) zoned area, the election is conditioned upon City Council approval of a rezoning pursuant to the provisions of sections 1.300 and 6.1090.
- D. If the owner of an exempt development project elects to apply the ESL regulations to only a portion of the development project, the owner must demonstrate that those portions of the project developed or to be developed under hillside district regulations meet all requirements of those regulations, including the preservation of hillside conservation areas through easement or dedication.

(Ord. No. 2305, § 1, 2-19-91; Ord. No. 3225, § 1, 5-4-99; Ord. No. 3395, § 1, 12-11-01)

Sec. 6.1024. Special exceptions from the ESL regulations.

A. Special exceptions from the ESL regulations may be approved by the zoning administrator in the following circumstances:

1. *Nonbuildable parcel.* If the application of the ESL regulations to a parcel, which was a

legally constituted lot on which development would have been permitted prior to the adoption date of ESLO (February 19, 1991), would prevent the development of at least one (1) single-family dwelling, the parcel may be developed with one (1) single-family dwelling pursuant to the grant of a special exception, provided that such development otherwise conforms to the ESL regulations as closely as reasonably possible.

2. *Nonhillside district development project approvals.* Modifications to development project approvals, or subsequent development approvals for development projects approved under nonhillside district zoning classifications prior to the effective date of ESLO (February 19, 1991) are subject to the ESL regulations. However, it is the intent of these regulations that such development project be brought into compliance with the ESL regulations as closely as reasonably possible without creating undue hardship on the owner.

B. **Special Exception Submittal Requirements.** In addition to the submittal requirements described in section 6.1090, applications for special exceptions from the ESL regulations authorized in this section shall include the following:

1. Documentation of existing development approvals for the development site and the special exception eligibility of the parcel.
2. Environmental mapping necessary to identify the ESL regulation(s) from which the special exception is requested.
3. A development plan showing the approved land uses and the areas that will be affected by the proposed special exception.
4. A report describing the proposed exceptions from the ESL regulations and describing the rationale for the exceptions.

(Ord. No. 2305, § 1, 2-19-91; Ord. No. 3395, § 1, 12-11-01)

Sec. 6.1030. APPROVALS REQUIRED.

Sec. 6.1031. Rezoning and use permits in Hillside Landform.

When reviewing the compatibility of rezoning and use permit applications in the Hillside Landform on land with slopes between fifteen (15) and twenty-five (25) percent that is not a severely constrained area, the following shall be considered:

- A. Grading and other site preparations are within the limits established by the *Development Design Guidelines for Environmentally Sensitive Lands*, and whether essential grading complements the natural land forms.
- B. Vehicular and pedestrian circulation conforms to the *Development Design Guidelines for Environmentally Sensitive Lands*, and is within the emergency standards acceptable for fire truck use.
- C. Views to development from viewpoints, as defined in Section 3.100, have been analyzed, and whether the applicant has demonstrated to the city manager or designee that satisfactory methods will be used for revegetation, plant protection/salvage, minimization of cuts and fills, and blending of structures with the site in terms of building mass and color hue, value, and chroma (from the *Munsell Book of Color*).
- D. Human lives and property are protected from unstable slopes, flooding, and other safety hazards.

E. The placement, grouping, scale, and shaping of structures complements the natural landscape.

F. Large, graded bare areas are fully revegetated.

(Ord. No. 3395, § 1, 12-11-01)

Sec. 6.1032. Plats.

All applications for preliminary plats in the ESL Overlay District shall be reviewed for compliance with the ESL provisions and approved by the Development Review Board.

(Ord. No. 3395, § 1, 12-11-01)

Sec. 6.1033. Individual Single-Family Applications in the Hillside Landform.

Single-family homes that are not part of a subdivision plat and proposed within the Hillside Landform shall be reviewed for compliance with specified site design criteria intended to promote public safety and shall be approved by the Development Review Board. (See Section 6.1070(C)).

(Ord. No. 3395, § 1, 12-11-01)

Sec. 6.1034. Master Development Plan Applications.

A. When a master development plan is required, a rezoning shall not be approved without the concurrent approval by the City Council of the site development, conceptual circulation, and conceptual phasing master plans, and conceptual open space master plan for the entire area to be rezoned.

B. No on-site or off-site development for any phase of a master development plan shall begin until the circulation, phasing, parking, drainage, water, and wastewater master plans have been approved by the master planning staff and the project review division, and the environmental design concept master plan has been approved by the Development Review Board.

1. The master plans shall be provided for the entire development project unless it can be demonstrated to the city manager or designee that the master plan can be prepared for one or more discreet phases that can stand alone independent of the entire project.

C. Approvals for individual buildings shall not be granted until the master development plan, including all the required parts of the plan, has been approved.

D. Modifications to approved master development plans.

1. Major changes to the permitted uses, density or gross floor area described in a site development master plan defined in section 6.1094(B)(1), or to other master plans approved as part of a rezoning, use permit or City Council approved amended development standards must be reviewed and approved by the City Council subject to the notice and hearing provisions of sections 1.600 and 1.700. In general, major changes are those that affect more than ten (10) percent of either the land or gross building square footage. Staff may determine that a change is major due to the impacts of the proposed changes, even where less than ten (10) percent of land or intensity is affected.

The transfer of units between parcels as provided in an approved master-planned development zoning case is not a major change.

2. Minor changes to the site development plan and all other master plans, consistent in scope and intent with the originally approved plans, may be approved by city staff. In general, minor changes affect less than ten (10) percent of either the land area or gross building square footage.

(Ord. No. 2305, § 1, 2-19-91; Ord. No. 3225, § 1, 5-4-99; Ord. No. 3395, § 1, 12-11-01)

Sec. 6.1040. ESL USE RESTRICTIONS

Land uses shall be those permitted in the underlying zoning district except as follows:

Land uses in the hillside landform areas with land slopes over twenty-five (25) percent, special features or unstable slopes are restricted to the following, provided that uses must also be permitted by the underlying zoning: residential uses including resort units and related streets and utilities; the activities identified in the Conservation Open Space (COS) district; (section 6.703 of the Zoning Ordinance) and golf tees. Ancillary resort uses, such as restaurants, meeting rooms or parking areas for more than five (5) cars are not permitted.

(Ord. No. 2305, § 1, 2-19-91; Ord. No. 3395, § 1, 12-11-01)

Sec. 6.1050. Intensity of Development.

In applying the provisions of this section, applicants shall use the ESL Landforms and Protected Peaks and Ridges Maps, unless otherwise exempted by section 6.1022B or 6.1023.

The intensity of development in the lower desert and upper desert landforms shall be determined by the underlying zoning district, and shall not exceed the maximum as provided in Table B, [section 6.1081](#). Where the NAOS density incentive or cluster option is used, Table B shall serve as the "base" intensity on the parcel.

The intensity of development in the hillside landform shall be determined as follows:

A. The base and maximum intensities of development in the hillside landform on slopes less than twenty-five (25) percent, on exposed/shallow bedrock, or in major or minor watercourses, shall be as follows:

	Single-Family Detached D.U./Acre	Attached Multifamily D.U./Acre	Resort Hotel/Casita Units/Acre	Nonresidential Floor Area Ratio
Base	0.2	1.0	2.0	0.05
Maximum	1.0	3.0	8.0	0.20

1. The underlying zoning must permit the base intensities and uses.
 2. Intensities above the base level up to the maximum intensity may be approved by the City Council after notice and hearing as provided in section 1.600 and 1.700, and upon a finding that the proposed intensity meets the guidelines set forth in section ~~7.851(B)~~ [6.1031](#).
 3. Resort hotel/casita units are limited to resort hotel guest rooms or casitas that do not have individual driveway access to each unit. Parking areas for more than five (5) cars, restaurants, meeting rooms, and other ancillary uses must be located on land that is not a severely constrained area.
- B. Except when modified as provided in subparagraph (E) of this section, the maximum permitted intensity on land in the hillside landform with slopes from twenty-five (25) to thirty-five (35) percent or boulder features, shall be one (1) dwelling or resort unit per twenty (20) acres (1/20 or .05 D.U./AC.). Ancillary resort uses, such as restaurants, are not permitted.
1. Intensities up to a maximum intensity of one (1) dwelling or resort unit per five (5) acres (1/5 or .2 D.U./AC.) may be approved by the City Council, after notice and hearing as provided in section 1.600 and 1.700, and upon demonstration by

the applicant and finding by the City Council that the land proposed for the increased intensity is not visible from viewpoints, as defined in section 3.100 and that the proposed intensity is compatible with the considerations listed in section 6.1031. In making its determination, the City Council shall consider the following factors:

- a. Visibility and viewpoints of the proposed developments from scenic corridors, collector and arterial streets.
 - b. The impact of the development on the environmental conditions listed in section 6.1021.
- C. Except when modified as provided in subparagraph (E) of this section, the maximum permitted intensity on land in the hillside landform with slopes over thirty-five (35) percent or on unstable slopes shall be one (1) dwelling or resort unit per forty (40) acres (1/40 or .025 D.U./AC.). Ancillary resort uses, such as restaurants, are not permitted.
- D. General guidelines.
1. If a lot encompasses two (2) slope categories the intensity limit is determined by reference to the slope category of the land on which the majority of the construction envelope is located. The purpose of this provision is to provide flexibility in lot configuration.
- E. The City Council may grant a special exception from the maximum intensities allowed by subparagraphs (B) and (C) of this section for parcels which meet the following requirements:
1. *Qualifications.* Only parcels, which meet the following qualifications, are eligible for development as a special exception under the provisions of this subparagraph (E):
 - a. The parcel consists of at least nine (9) acres, at least eighty (80) percent of which are severely constrained areas.
 - b. On February 19, 1991, the parcel was a legally constituted lot on which development would have been permitted under the terms of the ordinance in effect at the time the lot was created or was annexed to the city.
 - c. No density transfer is proposed.
 - d. The area which will be disturbed by the proposed development is less than twenty (20) percent of the development site area.
 - e. More than eighty (80) percent of the development site area will be preserved as natural area open space (NAOS).
 2. *Findings.* Higher intensities may be granted pursuant to the special exception permitted by this subparagraph only where the Council finds that:
 - a. The maximum intensities otherwise permitted by this ordinance would create a substantial disincentive to develop the site with a desirable and appropriate use and/or intensity, and the requested change is the minimum required in order to remove excessive constraints on the

development of the site.

- b. The requested intensity will not create increased health or safety hazards to people or property resulting from unstable slopes or other environmental hazards.
- c. Units will be placed at lower elevations or at other locations on the property selected to reduce the grading which will be required to access the structures.
- d. Visibility of development from viewpoints as defined in Section 3.100 is limited.

3. *Procedure.*

- a. Before the City Council hears an application for special exception, the Development Review Board shall review the plans to ensure that any development proposed for unstable slopes, special features or other environmental conditions, is appropriate to these conditions, and preserves them to the maximum extent possible.
- b. Applications for exceptions under this section shall include the submittals set forth in section 6.1090 of this Ordinance, and shall be subject to notice and hearing as provided in sections 1.600 and 1.700.

F. The permitted development intensity in the hillside landform shall be calculated as follows:

- 1. Determine the location of each environmental condition referenced in section 6.1050A., B., and C. If more than one (1) condition is present on the same land area that which imposes the greatest restriction shall determine the intensity for development on that land area.

Development Intensity in the Hillside Landform

Slope Category	Landform Condition	Base Lot Area Per Dwelling Unit
Under 25%	Major/Minor washes Protected peaks/ridges	5 Acres
25-35%	Exposed bedrock shallow bedrock	20 Acres
Over 35%	Boulders, unstable slopes	40 Acres

- 2. Determine the amount of land in acres impacted by each environmental condition.
- 3. Multiply the total acreage impacted by each environmental condition by the intensity permitted by section 6.1050A. through C. for that condition.
- 4. On parcels of twenty (20) or more gross acres, the permitted intensity for small areas of twenty thousand (20,000) square feet or less which have environmental conditions different than those of the surrounding area, shall be determined by the intensity permitted on the surrounding area. If a small area abuts both a lower and a higher intensity area, the small area shall be divided equally between the two (2) intensities.

(Ord. No. 2305, § 1, 2-19-91; Ord. No. 3225, § 1, 5-4-99; Ord. No. 3395, § 1, 12-11-01)

Sec. 6.1060. Open Space Requirements.

A. *NAOS requirements.*

1. In order to preserve sensitive environmental conditions, retain and protect meaningful desert open space, maintain visual amenities, and mitigate hazards, a percentage of the acreage containing specified conditions shall be set aside as natural area open space (NAOS). The minimum percentage of NAOS based on slope and landform category is provided in Table A.

Using Table A, NAOS requirements are determined by slope and landform which corresponds to the location of other environmental conditions such as unstable slopes, undisturbed desert vegetation, boulder features, and watercourses. Where these provisions conflict with the minimum NAOS dimensions described in Section 6.1060F., the more restrictive provisions of Section 6.1060F. shall take precedence.

2. Land designated as NAOS shall be permanently maintained as open space. The applicant shall demonstrate to the satisfaction of the City Attorney that the entire NAOS area will be permanently maintained as natural area open space through easements, donation or dedication to the city and/or conservancy, land trust or similar entity. A similar entity is an organization that has goals and purposes consistent with permanently maintaining NAOS and can demonstrate its ability to maintain the NAOS to the satisfaction of the City Attorney.

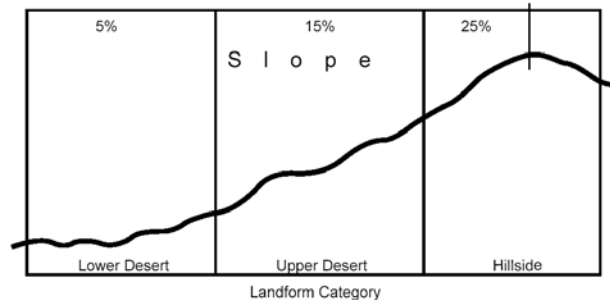
TABLE A

	Lower Desert Landform	Upper Desert Landform	Hillside Landform
0--2%	20%	25%	50%
Over 2% up to 5%	25%	25%	50%
Over 5% up to 10%	30%	35%	50%
Over 10% up to 15%	30%	45%	50%
Over 15% up to 25%	30%	45%	65%
Over 25%	30%	45%	80%
Minimum NAOS after reductions if applicable. (See Sec. 6.1060B)	15% (See Sec. 6.1060F. for minimum dimensions)	20% (See Sec. 6.1060F. for minimum dimensions)	40% (See Sec. 6.1060F. for minimum dimensions)

3. If NAOS is located in a common tract owned by a homeowners association, the property shall be maintained through a common maintenance agreement.
4. If NAOS is located on individual lots (on-lot NAOS), the individual property owner shall be responsible for maintenance. (See Section 6.1100 for detailed information regarding maintenance of NAOS.)
5. Common-tract NAOS locations and boundaries, including precise acreage, shall be shown on the subdivision plat and/or map of dedication.
6. On-lot NAOS Locations: In applications where NAOS is provided on individual lots,

approximate boundaries and precise acreage of the proposed NAOS shall be shown on and conform to an exhibit approved by the city manager or designee prior to or concurrent with filing a final subdivision plat and/or map of dedication.

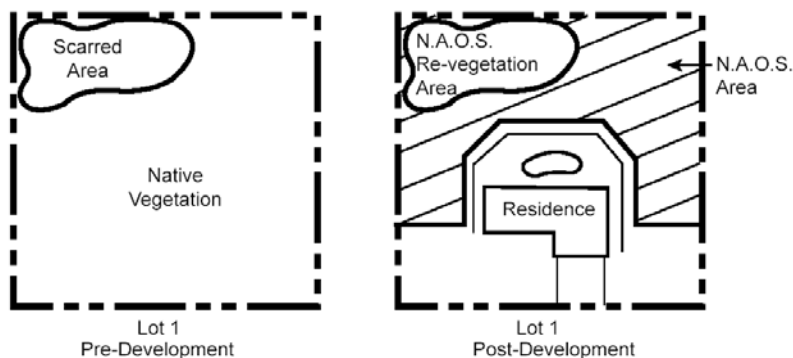
Slope Analysis



B. *NAOS reduction.* NAOS requirements may be reduced as provided herein. The minimum NAOS after reductions, for the gross lot area of the development project and for each development site or parcel shall be fifteen (15) percent in lower desert, twenty (20) percent in upper desert, and forty (40) percent in hillside landforms.

1. *Proportional reduction in NAOS for Conservation Open Space COS and Hillside Conservation HC areas.* An owner is entitled to reduce the required NAOS by calculating the percentage of the total parcel that is zoned conservation open space (COS) and Hillside Conservation (HC) areas, and reducing the NAOS requirement for the remainder of the property by this same percentage.
2. *Reduction for regional drainage facility.* Where a development site contains areas dedicated for regional stormwater management pursuant to approved city regional drainage and flood control plans developed by the city, having a design flow of two thousand (2,000) cfs or more and providing drainage for one (1) square mile (one (1) section) or more, the NAOS requirement shall be reduced as follows:
 - a. The NAOS requirement shall be reduced one (1) square foot for each revegetated one (1) square foot of the regional drainage facility (1:1).
 - b. The NAOS requirement shall be reduced one (1) square foot for each two (2) square feet of turf or similar improvements for recreational areas within the regional drainage facility (1:2). The reduction for improved areas shall not exceed fifty (50) percent of the original NAOS requirement.

N.A.O.S. Re-vegetation Credit



3. *Reduction for revegetation.* On land stripped of natural vegetation or scarred prior to January 1, 1990, the NAOS requirement for the parcel shall be reduced by two (2) square feet for every one (1) square foot of revegetated NAOS (2:1). This provision cannot be used to increase the maximum revegetated NAOS above the 30% maximum referenced in Section 6.1060D.2.
4. *Reduction for designated historical or archaeological site.* Land designated as a permanently protected historical or archaeological site, approved by the city, shall be used to reduce the required NAOS by two (2) square feet for each one (1) square foot of approved site (2:1).
5. *Lower desert landform with minimal slopes and limited environmental conditions.* Sites within the lower desert landform having slopes of 0%--5%, may reduce the required amount of NAOS to 15% if the applicant can demonstrate to the satisfaction of the Zoning Administrator that the property contains no boulder features, no minor or major watercourses and contains undisturbed native plant densities* with less than ten (10) trees/cacti per acre. Where these provisions conflict with the minimum NAOS dimensions described in Section 6.1060F., the more restrictive provisions of Section 6.1060F. shall take precedence.

*Native plants include the specific species defined in article V, protection of native plants, section 46-105 through 46-120 of the City Code.

C. *Density Incentive for Increases in NAOS.*

1. A density incentive bonus not to exceed twenty (20) percent of the density otherwise allowed under ~~the terms of the Zoning Ordinance~~ Table B, Section 6.1018, Base Intensity by Zoning Category may be granted to applicants who provide more meaningful NAOS than is required in section 6.1060A. of this Ordinance. The bonus must be approved by the City Council after notice and hearing as provided in sections 1.600 and 1.700, and providing further that the following criteria are met:
 - a. The bonus applies only in the R1-43, R1-70, R1-130, and R1-190 residential zoning districts.
 - b. The incentive must be calculated using the base NAOS standards for the development project, and cannot be used in combination with any reductions in NAOS.
 - c. The additional NAOS must be undeveloped natural area and cannot include revegetated areas.
 - d. The additional NAOS must respond to site conditions and the surrounding context to maximize connections with existing or planned open space on adjoining properties including the McDowell Sonoran Preserve.
2. The increase in density is calculated by multiplying the percent of gross land area of the parcel to be provided as additional NAOS, times the base density as established in Table B.

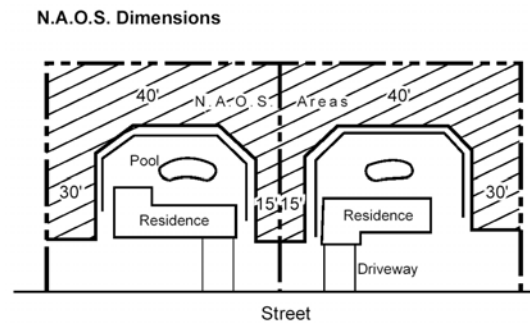
D. *Types of NAOS.* The NAOS requirement may be satisfied by two (2) types of open space: undeveloped natural areas and revegetated areas.

1. *Undeveloped natural areas.* Undeveloped natural areas shall constitute a minimum of seventy (70) percent of the required NAOS. This minimum applies to both "on-lot" and "common tract" NAOS.

- a. Infill. When native plants in a designated undeveloped natural area are significantly less dense than under natural conditions because of man-made or natural disturbance to the land, the developer may increase the density and number of species of native plants to approximate the natural conditions of the vegetation community.
 - b. Infill areas shall count as undeveloped natural area for NAOS if approved by the city manager or designee.
2. *Revegetation.* Revegetation areas shall qualify as NAOS, but in no case shall constitute more than thirty (30) percent of the required NAOS. These provisions cannot be used in conjunction with those contained in Section 6.1060B.3. to increase the maximum percentage of revegetated NAOS above thirty (30) percent. Revegetated areas shall meet following requirements:
 - a. Planting programs for revegetated areas may include transplanted and seeded methods of application and shall include. ~~Provide a list of proposed plant species and quantities.~~ (see section 6.1091A.1.k.)
 - b. Planting programs shall be consistent with the slope aspect of the surrounding natural vegetation, and shall be consistent with the species and density of surrounding vegetation and adjacent natural desert.
 - c. All materials, design and construction techniques for revegetation shall be approved by the city manager or designee. Decisions of the city manager or designee may be appealed to the Development Review Board as provided in section 6.1110.
 - d. Incorporate boulders and salvaged surface material to match and blend with surrounding desert character.
 - e. Provide a temporary watering program.
 - f. In those cases where previously scarred or cleared areas are to be restored, the plant species and density shall be determined by matching ~~what existed on the site prior to the scarring or clearing.~~ the existing natural vegetation on similar terrain in the vicinity.
- E. *Improved open space.* When the open space requirement of the underlying zoning district exceeds the NAOS requirements imposed by the ESL standards, the balance of the required open space may be either improved open space or NAOS.
- F. *Distribution of NAOS.*
 1. *NAOS dimensions.*
 - a. The minimum contiguous area for NAOS is four thousand (4,000) square feet.
 - b. The minimum horizontal dimension for NAOS areas is thirty (30) feet, except that the minimum horizontal dimension for NAOS located along roadsides will be twenty (20) feet.
 - c. Where the minimum finished lot size is twenty-two thousand (22,000) square feet or less, NAOS shall be placed in common tracts, or on other lots within the same subdivision unless the city manager or designee approves placement in contiguous areas on adjacent lots. See Section 6.1070A. for on-lot NAOS design standards and

Section 6.1090 for on-lot NAOS submittal requirements.

2. *Modification of NAOS dimensions.* The city manager or designee may approve modifications to the minimum NAOS dimensions set forth above, subject to the following criteria:
 - a. The NAOS location standards set forth in paragraph 3. are met.
 - b. Reductions in dimensions will maintain NAOS areas that are easily recognizable and that will not result in maintenance problems due to their proposed locations.
 - c. Adjacent land uses, such as streets, will not negatively impact the viability of vegetation or other features of the land to be preserved.



3. *NAOS location.* The location of NAOS on a site plan or preliminary plat shall be based on the following:
 - a. Continuity of open space within the development project and with adjacent developments or with the McDowell Sonoran Preserve.
 - b. Continuity of "on-lot" open spaces on adjoining lots.
 - c. Preservation of the most significant features and vegetation, including rock outcroppings, natural watercourses, and significant concentrations of native vegetation in relation to the surrounding development project.
 - d. Distribution throughout the developed area and avoidance of concentration in one (1) location.
 - e. Location in areas where a buffer is desirable along the property boundary, or where it is contiguous with NAOS on adjacent property, including property within the McDowell Sonoran Preserve.
 - f. Location in areas visible from streets or common areas.
 - ~~f. The need for visibility of NAOS from streets or common areas.~~
 - g. The need for unimpeded wildlife access and movement within and between all common-tract NAOS areas, including minor and major watercourses, vista corridors and scenic corridors and particularly at the McDowell Sonoran Preserve boundary.
4. *NAOS distribution within master planned developments.* Where a master plan developer

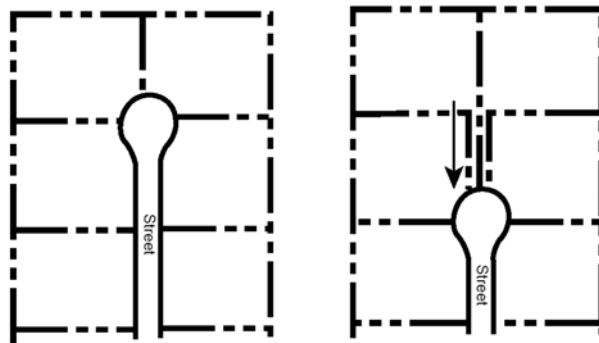
elects to provide NAOS in excess of the minimum NAOS requirement for specific development sites, such excess NAOS may be credited against NAOS requirements for other development sites on the master plan, provided that the NAOS credits are documented on an open space master plan which identifies excess NAOS by development site and allocates such excess to specific development sites elsewhere on the property. The master plan developer must authorize the allocation in writing.
(Ord. No. 2305, § 1, 2-19-91; Ord. No. 3225, § 1, 5-4-99; Ord. No. 3395, § 1, 12-11-01)

Sec. 6.1070. Design standards.

A. General Standards.

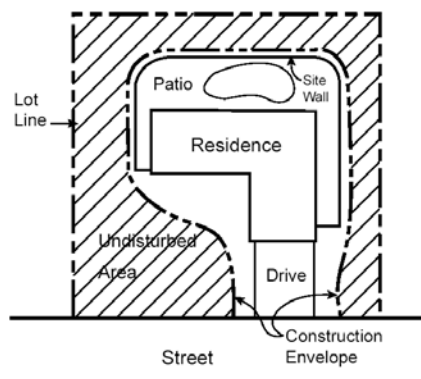
1. Development projects shall employ design techniques which reduce the disruption of the severely constrained areas (SCA) of a parcel defined in section 6.1081A.1., reduce the amount of streets and pavement, maximize open space, reduce the length of water and sewer systems, and minimize the restructuring of natural drainage systems.

Reduce the Amount of Streets

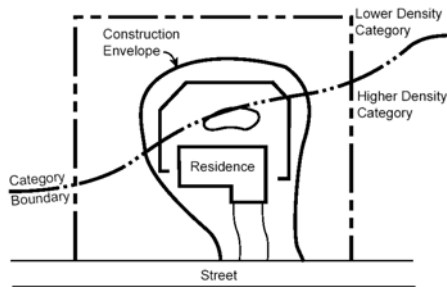


2. The intensity calculated in sections 6.1050 and 6.1080 shall be the maximum permitted intensity. A structure or residential building construction envelope that is located in more than one (1) density category in section 6.1050B. and C. shall be considered as located in the higher density area if the majority of the floor area or construction envelope area (over fifty (50) percent) is in the less restricted condition and the incursion into a lower intensity area extends less than twenty (20) feet for structures or thirty-five (35) feet for construction envelopes.

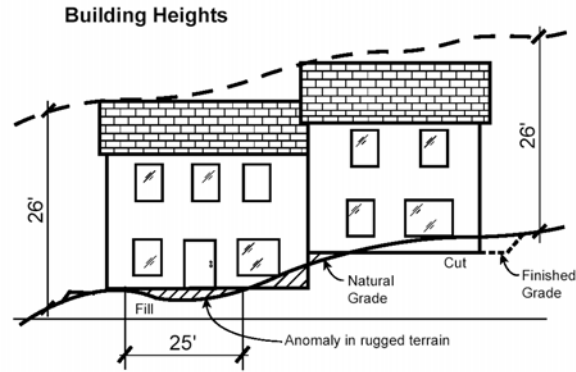
Construction Envelope



Construction Envelopes in 2 Categories



3. Construction envelopes are required when NAOS is proposed on individual lots. All impervious surfaces and improved open space shall be contained within construction envelopes. (See construction envelope definition in Section 3.100).
 4. Underground utility corridors and drainage improvements outside of the construction envelopes shall be included in the revegetated open space.
 5. The NAOS shall be clearly identified and protected during building by methods and techniques approved by the city manager or designee.
 6. On-lot NAOS shall be designed with consideration of the surrounding context to connect with existing or planned open space on adjacent properties so that continuous areas of meaningful open space are formed.
 7. On-lot NAOS shall not be located within the required front yard where the front yard depth is less than forty (40) feet.
- B. *Building heights.*
1. The maximum building height is that prescribed by the underlying district except as modified by the following:
 - a. The maximum building height in the ESL district shall be established by a plane measured vertically above the existing natural terrain elevation prior to grading; as the natural grade rises, the maximum height will rise accordingly. Small areas of rugged terrain inconsistent with this plane will not increase or reduce building height. Small areas are those features with a maximum width of twenty-five (25) feet.
 - b. The maximum building height in single-family residential (R1) districts shall be twenty-six (26) feet.

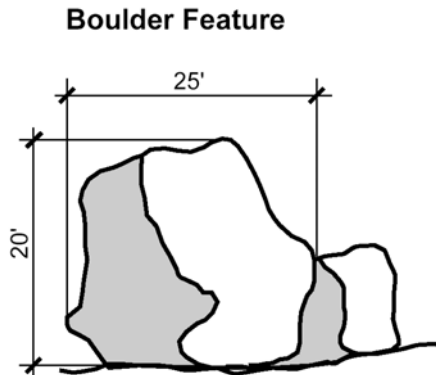


i.- Churches and places of worship are subject to the church and places of worship criteria for building heights established by the underlying zoning district.

- c. The maximum building height in the hillside landform shall be the height prescribed by the underlying district or thirty (30) feet whichever is lower, except as modified by section 6.1070B.1.d. below.
- d. The Development Review Board may permit additional building heights in the hillside landform up to a maximum height of forty (40) feet where the applicant demonstrates that the additional height will reduce the visual impact of the structure or site work from established viewpoints, and will reduce the area required for grading, or other land disturbance activities, on sensitive conditions.

C. *Hillside Landform Site Design Criteria:* Hillside lands are prone to natural hazards. In order to protect lives and property from disasters resulting from poorly designed hillside development and to mitigate the potential for increased erosion, boulder rolling, rockfalls, and landsliding, the Development Review Board (DRB) shall review individual site plans located within the hillside landform that are not part of a subdivision plat against the following criteria:

1. All construction shall be set back a minimum of twenty (20) feet from boulder features as defined in section 3.100. The DRB may approve exceptions to these criteria where specific design solutions protect public safety.



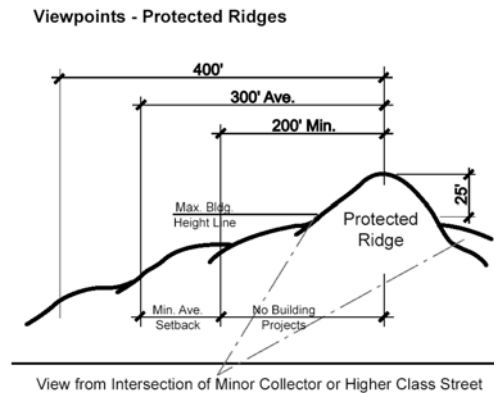
2. Unprotected slopes shall be protected from focused stormwater flows.
3. All storm runoff shall be directed towards natural channels using best practices for erosion control.

4. Minimize removal of native vegetation from areas outside of construction envelopes.

5. Minimize incidental impact from other natural hazards including erosion, subsidence, boulder rolling, rockfalls, flooding, flood related mud slides, unstable slopes and landsliding relating to the site and surrounding property.

D. *Protected Peaks and Ridges.*

1. All building projects shall be set back an average of three hundred (300) feet horizontally and a minimum of two hundred (200) feet from a protected peak or a protected ridge.



2. The maximum elevation of any structure within four hundred (400) feet horizontally of a protected peak or ridge shall be at least twenty-five (25) feet below the elevation of the nearest point of a protected peak or ridge.
3. Protected peaks and ridges shall be identified on ESLO Protected Peaks and Ridges Maps prepared by the city, and may be revised as follows:

~~Applicants for a specific development project may request a map refinement concurrently with a development project application. The requested refinement will be processed as part of the development project and the refinement shall be reviewed and acted upon in accordance with the applicable requirements for the development project. Request for map refinement shall include a visual analysis from viewpoints as defined in Section 3.100.~~ and be subject to subsection E, below.

4. Protected peaks and ridges on a property shall be shown on final plats at the time of City Council approval.

E. *Revisions of ESL Landform and Protected Peaks and Ridges Maps.* Landforms are identified on the ESL Landforms and Protected Peaks and Ridges Maps by the city. The maps may be revised as follows:

1. Applicants for a specific development project may request a change in all or part of the landform boundaries on the ESL Landforms and Protected Peaks and Ridges Maps prior to or concurrently with a development project application. The applicant shall submit technical data to the city manager or designee to support the request. If the city manager or designee determines that the request represents more than a minor refinement, the requested landform boundary change shall be prepared by an Arizona state registered geologist and shall include a technical analysis to support the requested map revision. The definitions of the three landform areas shall be used by consulting geologists for their analysis of changes in the landform boundaries.

2. Minor refinements to the ESL ~~Landforms~~ and Protected Peaks and Ridges maps shall be subject to the approval of the city manager or designee.
3. Major revisions of the ESL ~~Landforms~~ and Protected Peaks and Ridges maps shall be subject to development review board approval. Development review board approval shall occur prior to the planning commission and city council public hearings if the request is made concurrently with a submittal for a rezoning or use permit approval.
4. A property owner may request a revision of the ESL ~~Landforms~~ and Protected Peaks and Ridges maps on their property independently from a submittal for a specific project. Such submittals shall follow all processes and requirements in section 6.1070E1. and shall be subject to approval of the development review board.

F. *Boulder Features.* Development shall not be permitted on or immediately adjacent to boulder features within the ESL area as defined in Section 3.100 and a setback of twenty (20) feet shall be maintained around the boulder feature unless otherwise approved by the development review board. The development review board may permit development on boulder features which meet this definition where the applicant demonstrates that the proposed construction will meet the following criteria:

1. When a proposed structure will be occupied, the applicant shall submit a technical analysis prepared by an Arizona State registered geologist demonstrating that the boulder feature is stable and does not present a threat to the proposed structure.
2. The applicant has demonstrated that the proposed construction will blend into the boulder feature so that the boulder feature is still substantially visible from public or private streets, and the structure does not detract significantly from the character of this special feature.

G. *Site and Structure Development Design Standards.*

1. Within the ESL district:
 - a. Mirrored surfaces or any treatments which change ordinary glass into a mirrored surface are prohibited.
 - b. Reflective building and roofing materials (other than windows) including materials with high gloss finishes and bright, untarnished copper, aluminum, galvanized steel or other metallic surfaces, shall be textured or have a matte or ~~non-specular~~ non-reflective surface treatment to reduce the reflections of sunlight onto other property.
 - c. Materials used for exterior surfaces of all structures shall blend in color, hue, and tone with the surrounding natural desert setting to avoid high contrast.
 - d. Surface materials of walls, retaining walls or fences shall be similar to and compatible with those of the adjacent main buildings.
 - e. Development design and construction techniques should blend scale, form and visual character into the natural landform and minimize exposed scars.
 - f. Exterior lighting should be low scale and directed downward, recessed or shielded so that the light source is not visible from residential development in the area or from a public viewpoint.
 - g. No paint colors shall be used within any landform that have a LRV greater than

thirty-five (35) percent.

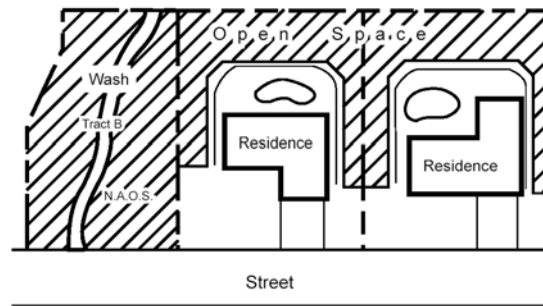
- h. Exterior paint and material colors shall not exceed a value of six (6) and a chroma of six (6) as indicated in the *Munsell Book of Color* on file in the Planning Systems department.
- i. Plant materials that are not indigenous to the ESL area shall be limited to enclosed yard areas and non-indigenous plants that have the potential of exceeding twenty (20) feet in height are prohibited. A list of indigenous plants is available from the Planning Systems and Development Services Department. Outdoor community recreation facilities, including parks and golf courses shall be allowed turf as specified in section 6.1070G1.j.
- j. Turf shall be limited to enclosed areas not visible offsite from lower elevation. Outdoor recreation facilities, including parks and golf courses, shall be exempt from this standard.
- k. All equipment appurtenant to underground facilities, such as surface mounted utility transformers, pull boxes, pedestal cabinets, service terminals or other similar on-the-ground facilities, shall have an exterior treatment that has be painted colors with a LRV of less than thirty-five (35) percent or otherwise screened from view from the adjoining properties.
- l. Any proposed modifications to natural watercourses and all walls and fences crossing natural watercourses shall be designed in accordance with the standards and policies specified in chapter 37 (drainage and floodplain ordinance) of the City of Scottsdale Revised Code.

(Ord. No. 2305, § 1, 2-19-91; Ord. No. 3395, § 1, 12-11-01)

Sec. 6.1071. Design guidelines.

- A. *General guidelines.*
 - 1. Clustering, density transfer, NAOS or CA should be used to protect the most sensitive areas on a plat.
 - 2. NAOS should not be enclosed by walls that disrupt its continuity with NAOS on adjacent properties.
 - 3. Sensitive site planning that responds to the environmental conditions will frequently lead to smaller average lot sizes, a reduction in disturbed land area, or fewer lots. The applicant has the burden of demonstrating that the proposed intensity can be developed on the site in a sensitive manner that is consistent with this ordinance, The *Development Design Guidelines for Environmentally Sensitive Lands*, and other approved city policies and guidelines.
- B. *Guidelines for the McDowell Sonoran Preserve Boundary.*
 - 1. NAOS outside the McDowell Sonoran Preserve boundary should be oriented to maintain habitat and unimpeded wildlife movement to and from the preserve.
 - 2. Promote continuity of open spaces at the preserve boundary. ~~to allow free movement of wildlife and create a natural buffer.~~

Meaningful Open Space



3. Maximize the provision of NAOS at the preserve boundary to create a natural buffer to the preserve.
 4. Any trail development through NAOS areas adjacent to the preserve must be coordinated with the Preserve Trail Plan.
- (Ord. No. 3395, § 1, 12-11-01)

Sec. 6.1080. SENSITIVE DESIGN OPTIONS

Sec. 6.1081. Density transfer.

The density transfer option is intended to provide an incentive for developers to move construction from portions of their parcel with severe environmental constraints to less constrained areas. A density transfer may be approved through the use of amended development standards and the approval processes in sections 6.1083A. and B. The benefits of transfer decline as development in the most sensitive areas increases. The use of this option can lead to the preservation of significant areas of environmentally sensitive lands including land slopes over fifteen (15) percent, watercourses, and special features.

A. *Density transfer for Conservation Area (CA).*

1. In order to qualify for the maximum rate of density transfer (1:1) the severely constrained areas (SCA) must be designated CA. The severely constrained areas are those portions of the hillside landform containing or surrounded by any one (1) of the following environmental conditions; provided that for purposes of density transfer only, SCA shall not include areas of ten (10) acres or more which do not contain any of the environmental conditions specified below, even if the area is surrounded by one (1) or more conditions, so long as any development proposed for the surrounded area is not visible from viewpoints established on the city's special features map:
 - a. Land slopes over twenty-five (25) percent.
 - b. Unstable slopes as listed in section 6.1021B.
 - c. Special features as listed in section 6.1021C.

The rate of transfer for the parcel is reduced in proportion to reductions in the amount of SCA that is designated as CA.

2. The applicant may request that undisturbed natural areas and land stripped of natural vegetation or scarred prior to January 1, 1990, which has been revegetated be established as CA as follows:

- a. The applicant shall demonstrate to the satisfaction of the city Attorney that the entire NAOS area will be permanently maintained as natural area open space through easements, donation or dedication to the city or other entity. If NAOS is located in a common tract owned by a homeowners association, the property shall be maintained through a common maintenance agreement.
 - b. Land designated CA may also be rezoned to the conservation open space (COS) district except that only the unimproved land in the COS district is eligible for density transfer calculations.
 - c. The receiving area is the portion of the property that will receive the density transfer. The maximum permitted density in the receiving area is equal to the number of units being transferred from the CA or unimproved COS areas, plus the base intensity for the receiving area from Table B.
3. Density transfer calculations. The base intensity for the existing zoning shall be determined using Table B and shall be permitted to be transferred to another area of the parcel as follows:
- a. Determine the acreage of SCA on the gross parcel.
 - b. Determine the percent of SCA that is designated CA by dividing the CA acreage by the SCA acreage. This percentage is the rate of density transfer for the parcel. Only the area of NAOS to be designated CA may be included in the calculation of land eligible for density transfer.
 - c. Determine the base intensity for the land designated CA by multiplying the CA acreage times the intensity in Table C for the applicable zoning district. Sensitive lands that are not SCA may also be selected by the applicant for CA in order to transfer density to less constrained areas.
 - d. Determine the number of units eligible for density transfer by multiplying the percent of land designated CA (b. above) times the base intensity for the land designated CA (c. above).
- e. The calculation established in a. through d. above may be summarized by the following formula:

Percentage of SCA designated CA	X	Acres designated CA	X	Base intensity of designated CA	=	Total permitted density transfer for the CA area
---------------------------------	---	---------------------	---	---------------------------------	---	--

- B. *Density transfer bonus for regional drainage.* In order to promote regional drainage and flood control, the applicant may request that the land area required for regional drainage facilities, as part of an approved city regional drainage and flood control plan developed by the city, may be used for a density transfer as follows:
1. A one-hundred (100) percent transfer of the intensity permitted under the existing zoning by Table B may be used for a density transfer.

2. The land area from which the density is transferred must be legally secured through conservation or open space easements or dedication. The land may be designated CA or rezoned to the open space district (OS) where appropriate.
- C. *Eligible receiving areas.* The portion of the development project that can receive density transfer shall have less sensitive environmental conditions than the CA or COS land from which the density is transferred. Eligible receiving areas are any portions of the development project that do not contain slopes over twenty-five (25) percent, unstable slopes, special features, minor watercourses or major watercourses.
- D. *Off-site Transfers.* Density transfers to noncontiguous parcels may be approved, in order to encourage the transfer of development rights from more sensitive areas to those that are less sensitive. Noncontiguous transfers permit the owners of less sensitive lands to join in a single application with the owner of more sensitive areas, and to transfer development potential from the more sensitive to the less sensitive areas without the need for rezoning.

An application to make a noncontiguous transfer must be signed by the owners of both parcels, and must meet the procedural requirements of this section, and section 6.1083, and the following criteria:

1. On February 19, 1991, the parcel was a legally constituted lot on which development would have been permitted under the terms of the Ordinance in effect at the time the lot was created or was annexed to the city.
2. At least eighty (80) percent of the parcel from which density will be transferred (the "transfer parcel") must consist of severely constrained areas.
3. No development will be permitted on the transfer parcel.
4. The transfer parcel must be permanently secured as CA through easements, donation or dedication to the city or other entity, by a means approved by the City Attorney or zoned COS.
5. The parcel to which density will be transferred (the "receiving parcel") must be located within the ESL district in the upper desert or lower desert landform.
6. No permits will be issued for the receiving parcel, until the transfer parcel has been permanently secured as CA or rezoned COS.

Table B
Base Intensity by Zoning Category*

*These numbers shall be used in calculating the following:

- a. The number of units or intensity to be used in a density transfer.
 - b. The maximum number of units for any parcel where a density transfer is not being used.
 - c. The "base" intensity on a parcel before the NAOS density incentive is applied.
1. Residential uses, excluding guest rooms.

District	Factor (DU/AC)	District	Factor (DU/AC)
R1-190	.21	R-3	12.93

R1-130	.31	R-4	8.31
R1-70	.55	R-4R	7.54
R1-43	.83	R-5	23.00
R1-35	1.04	S-R	12.44
R1-18	1.87	PNC	4.00
R1-10	3.12	PCC	4.00
R1-7, MH	4.16	PCoC	4.00
R1-5	5.00	PCP	25.00
R-2	7.28		

2. Hotels, motels, and resorts.

District	Factor (Guest Rooms/Acre)
R-4R	10.62
R-5	33.00
C-2	43.56
C-3	43.56
PRC	21.78
WP	43.56

3. Nonresidential uses.

District	Factor (Floor Area Ratio)
S-R	.4
C-O, I-G, I-1,	.6
C-1, C-2, C-3, C-4, C-5, SS, PRC, WP, PCP	.8
PNC, PCC	.3
PcoC	.2
P-3	1.0

(Ord. No. 2305, § 1, 2-19-91; Ord. No. 3395, § 1, 12-11-01)

Sec. 6.1082. Cluster development option.

The cluster development option is intended to provide an opportunity for more flexibility in platting lots and for site planning under ESL regulations than in the underlying zoning districts. The development review board may approve clustering if the application is in compliance with the standards in section 6.1083A. This option allows for increased sensitivity to site conditions and permits the clustering of the development onto less land area so portions of the land remain undisturbed. These standards cannot increase the intensity allowed on a development site. Clustering may enable applicants to use the land more efficiently or to utilize more of the allowable intensity. The following limitations apply:

- A. The density shall not exceed the applicable density for the parcel. Before this site planning option is applied to a parcel, a determination of density must be approved according to the options and applicable procedures available including:
 1. Using Table B to determine the base intensity under existing zoning.
 2. Using sections 6.1050B. and C. to determine permitted density.
 3. Using the density transfer procedures to increase the density.
 4. Rezoning the parcel.

- B. The density that has been approved for any parcel may be allocated to any areas of a parcel with a plat or site plan subject to the following limitations:
1. Development standards may only be modified in compliance with the requirements of section 6.1083.
 2. The site plan, or plat, must comply with the requirements of section 7.858, site planning standards and guidelines.
- (Ord. No. 2305, § 1, 2-19-91; Ord. No. 3395, § 1, 12-11-01)

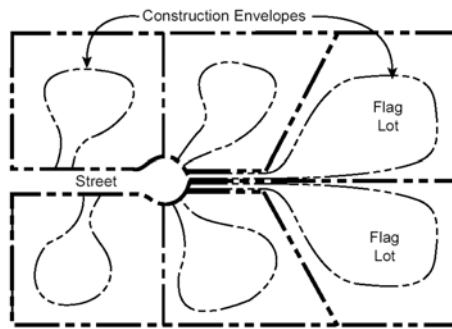
Sec. 6.1083. Amended development standards.

Amended development standards may be approved, in accordance with section 6.1083A. or B. below, in order to encourage sensitivity to site conditions and to provide flexibility in site planning.

- A. *Development Review Board Public Hearing process.* The development review board may approve amended development standards for the underlying zoning district concurrently with the preliminary plat approval subject to the following:

1. Application and public hearing procedures of section 1.900.
2. The existing zoning district and proposed use is for single-family dwellings.
3. The base density in Table B has not been exceeded.
4. The minimum area of the development is ten (10) gross acres.
5. The minimum lot sizes may be reduced by no more than twenty-five (25) percent of the minimum lot size required in the underlying district.
6. Minimum setbacks and minimum distance between buildings of the applicable zoning district requirements may be reduced by no more than twenty-five (25) percent. In no case shall the setback of a garage or carport that opens towards the street be less than twenty (20) feet from the back of curb, or when present, the back of sidewalk. The minimum side yard or rear yard, where the side or rear yard is adjacent to designated open space tracts may be reduced to five (5) feet. Setbacks on the perimeter of the development project shall be equal to or greater than those imposed by the existing zoning on parcels within fifty (50) feet of the perimeter of the development project.
7. Minimum lot width may be reduced by no more than twenty-five (25) percent of the minimum lot width required in the underlying district. ~~However, if~~ However, if the applicant can demonstrate that a flag lot design better achieves the purposes of the ESL Overlay District, flag lots with a minimum width of twenty (20) feet may be approved.

Flag Lots



8. If the underlying zoning is R1-18, R1-10 R1-7 or R1-5, one (1) of the side yard setbacks may be zero (0), provided that the dwellings are constructed as single-family detached homes. The minimum distance between buildings is five (5) feet.
9. The development must be served by public or private water and sanitary sewer facilities if the minimum lot sizes are less than sixty thousand (60,000) square feet.
10. The amended development standards are approved concurrently with the preliminary plat.
11. The required common open space is to be permanently maintained as natural open space as demonstrated in documents satisfactory to the City Attorney prior to the issuance of any permits.
12. Demonstrate compliance with the design criteria stated in section 6.205 for planned residential development.
13. Any modified standards for the development shall be recorded on the final plat.
14. The applicant shall demonstrate to the satisfaction of the development review board that the modifications better achieve the purposes of ESL in section 6.1010 than the existing standards.

B. *City Council Public Hearing Process.* The City Council may approve amended development standards for the underlying zoning district which exceed the limitations in section 6.1083A, pursuant to the following:

1. Application and public hearing procedures of section 1.600 and 1.700.
2. In reviewing such applications, the City Council shall compare the requested intensity and use to the environmental conditions and to the General Plan to determine the appropriateness of the amended development standards.
3. The applicant shall demonstrate that the stated modifications better achieve the purposes of ESL regulations in section 7.810 than the existing zoning.

(Ord. No. 2305, § 1, 2-19-91; Ord. No. 3225, § 1, 5-4-99; Ord. No. 3395, § 1, 12-11-01)

Sec. 6.1090. ESL SUBMITTAL REQUIREMENTS

Sec. 6.1091. All applications.

A. In addition to any other information required by the Scottsdale Zoning Ordinance (Ordinance No. 455, as amended) and the Scottsdale Revised Code, applications for development approval under ESL shall include the following:

1. Base submittal requirements for all projects:
 - a. Location and size of project boundaries, including any phasing plans.
 - b. Project description.
 - c. A.L.T.A. survey.
 - d. Site development plan showing all existing and proposed construction, including density calculations.
 - e. Aerial map.
 - f. Site plan superimposed on the aerial map.
 - g. Topography map (two (2) foot contours intervals).
 - h. Slope analysis superimposed on the topography map with NAOS calculation table.
 - i. NAOS analysis site plan, including proposed civil improvements and proposed construction envelope concept plan.
 - j. Environmental features map, including applicable landforms, protected peaks and ridges, unstable slopes, boulder features, watercourses, vegetation and wildlife habitats, viewsheds, and manmade or fire scarring.
 - k. Native plant submittal and revegetation plan and program including transplanting and/or reseeding methods and the list of plants and density of application.
 - l. Geotechnical report for sites with shallow bedrock and/or boulders.
 - m. Drainage and grading report and plan.
 - n. Archaeology data, reports, and/or plans as required by Chapter 46 of the City Code.
2. Additional submittal requirements for master planned projects:
 - a. Master environmental design concept plan.
 - b. Phasing plan.
 - c. Circulation plan.
 - d. Water and wastewater plan.
3. Additional submittal requirements for preliminary plat and development review board submittals:
 - a. Master environmental design concept plan.

- b. Cuts and fills site plan.
 - c. Amended development standard justification report.
 - d. Vista/scenic corridors, including cross section details.
 - e. Public trail plan.
 - f. Landscaping plan.
 - g. Color and material samples.
 - h. Wall plans.
4. Modified submittal requirements. The city manager or designee may require additional information to identify or analyze specific environmental conditions, or may waive submittal requirements determined unnecessary for appropriate review of the project.
(Ord. No. 2305, § 1, 2-19-91; Ord. No. 3225, § 1, 5-4-99; Ord. No. 3395, § 1, 12-11-01)

Sec. 6.1092. Master Development Plan Submittal.

- A. A master development plan shall be submitted where:
 - 1. Section 48-35 of the Subdivision Ordinance requires a development master plan.
 - 2. The underlying zone requires a master development plan, e.g., section 5.4002, planned commerce park (PCP), section 6.204, planned residential development (PRD) or section 5.2103, planned community district (PCD);
 - 3. The city manager or designee determines that a master plan is necessary for the orderly development of the project, in accordance with the requirements of this Ordinance.
 (Ord. No. 2305, § 1, 2-19-91; Ord. No. 3225, § 1, 5-4-99; Ord. No. 3395, § 1, 12-11-01)

Sec. 6.1100. Maintenance and violations.

A. *Maintenance--Improved areas.* The owner of private property on which grading or other work has been performed pursuant to a grading plan approved under the ESL regulations, shall maintain in perpetuity and repair all graded surfaces and erosion control devices, retaining walls, drainage structures or devices, and planting and ground covers according to specifications established by the city.

- B. *Maintenance--Natural Area Open Space (NAOS).*
 - 1. NAOS shall be permanently preserved in its natural condition to be self-sustaining.
 - 2. The removal of small amounts of man-made trash and debris that may accumulate within NAOS is permitted.
 - 3. Clearing, pruning, raking, and landscaping within NAOS areas is prohibited except as provided in subsections 4, 5, and 6 below.
 - 4. Maintenance of public non-paved trails within NAOS shall be subject to specific approval by city staff.
 - 5. The removal of man-made dumping piles, and specified invasive, non-indigenous plants and weeds within NAOS shall be subject to specific approval by city staff.

6. A defensible space will be permitted to be established and maintained around homes in Wildland/Urban Interface and Intermix areas as defined in Section 3.100. The removal of flash fuels, which include invasive annual grasses, for an area of thirty (30) feet from a habitable structure, to provide for fire safety around dwellings, is permitted, but shall not result in the destruction of native plants* within NAOS.
7. Dead or dying native plants within NAOS shall be left in place to provide wildlife habitat.
8. NAOS easements may be released by the Zoning Administrator only to the extent such releases conform to the standards set forth in Section 6.1060F.

*Native plants include the specific species defined in article V, protection of native plants, section 46-105 through 46-120 of the City Code.

C. Violations.

1. A violation of any provision of the ESL district shall be subject to the violation and penalty provisions in Article I of the Zoning Ordinance.
2. Upon conviction for a violation of any provision of Section 6.1100. or the conditions of a permit issued hereunder, the court shall impose a fee of fifty dollars (\$50.00) for a preservation fund, in addition to any other fines or penalties.
3. Funds obtained from this fee shall be used to supplement the city's preservation efforts through deposit into the Trust for McDowell Mountain Land Acquisition.

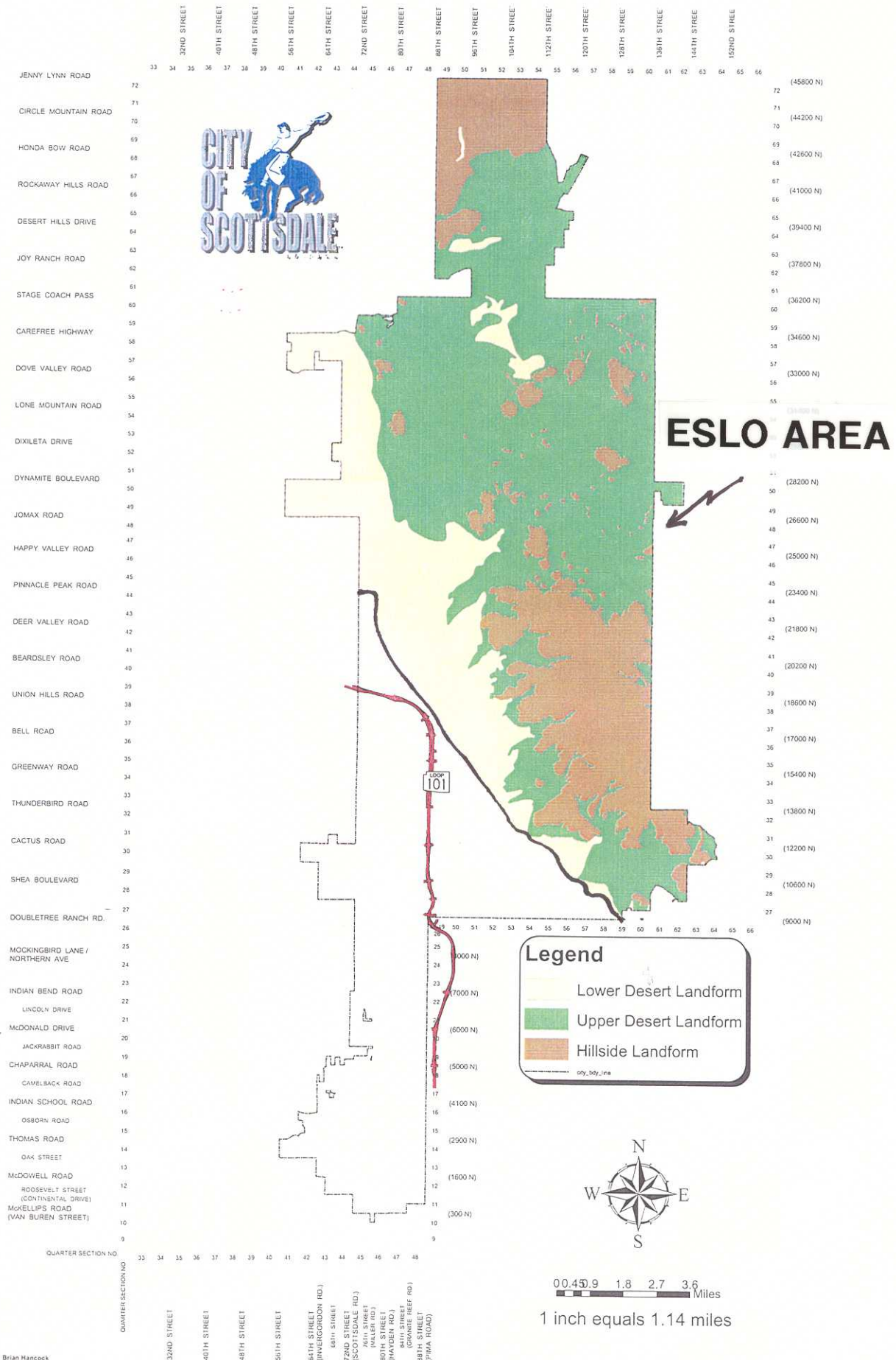
(Ord. No. 3395, § 1, 12-11-01)

Sec. 6.1110. Appeals.

The applicant may appeal a decision of the city manager or designee to the development review board. The appeal must be in writing, filed with the ~~Planning and Development~~ **Services** ~~Department~~ within fifteen (15) days of the date on which written notice of the decision was mailed to the applicant, and must state the reasons for appeal, and the relief requested. The city manager or designee shall place the appeal on the next available development review board agenda and shall notify the applicant in writing of the time and place at which the development review board will consider the appeal. Decisions of the development review board may be appealed to the City Council as provided in section 1.907 of this Ordinance.

(Ord. No. 3395, § 1, 12-11-01)

ESLO Landforms (Revised 12/ 2002)



ESLO.mxd
Created by: Brian Hancock
Date Printed: 12/09/02
Source: City of Scottsdale

Notes: This document is prepared for general information purposes only. The City of Scottsdale does not warrant the accuracy, completeness, or timeliness of any information provided. The City of Scottsdale is not responsible for any errors or omissions.

11-TA-2000#2
TEXT AMENDMENT/ESLO II

Attachment #3. Citizen Involvement

This attachment is on file at the City of
Scottsdale Current Planning office, 7447 E
Indian School Road, Suite 105.